

# FEDERAL REGISTER

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## The President

### EXECUTIVE ORDER

#### EXTENSION OF THE PROVISIONS OF EXECUTIVE ORDER NO. 9001 OF DECEMBER 27, 1941, TO CONTRACTS OF THE TENNESSEE VALLEY AUTHORITY

By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort", approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941, to the Tennessee Valley Authority with respect to all contracts made or to be made by it; and subject to the limitations and regulations contained in such Executive order, I hereby authorize the Board of Directors of the Tennessee Valley Authority, and such officers and employees as said Board may designate, to perform and exercise, as to the Tennessee Valley Authority, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive order.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
February 12, 1942.

[No. 9058]

[F. R. Doc. 42-1306; Filed, February 12, 1942;  
2:26 p. m.]

### EXECUTIVE ORDER

#### EXCLUDING CERTAIN TRACTS OF LAND FROM THE CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM TO ENTRY ALASKA

By virtue of the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and upon the recommendation of the Secretaries of Agriculture and the Interior, it is ordered that the following described tracts of

land in Alaska, occupied as homesteads and identified by elimination surveys, plats and field notes of which are on file in the General Land Office, Washington, D. C., be, and they are hereby, excluded from the Chugach and Tongass National Forests, as hereinafter indicated, and restored to entry under the applicable public-land laws:

#### CHUGACH NATIONAL FOREST

Homesite No. 42, on south bank of Kenai River, 0.60 of an acre, approximate latitude 60°29' N., longitude 149°49' W.;  
Homesite No. 56, lot "A" of Primrose Landing group, near south end of Kenai Lake, 3.63 acres, approximate latitude 60°20' N., longitude 149°22' W.

#### TONGASS NATIONAL FOREST

Homesite No. 62, lot 23, Hood Bay Homesite Group, Admiralty Island, 5 acres, U. S. Survey No. 2412;  
Homesite No. 67, tract "D", Mile 7 Group, 4.77 acres, U. S. Survey No. 2476;  
Homesite No. 117, tract "N" of Mud Bay Group, Revillagigedo Island, 2.85 acres, approximate latitude 55°25'15" N., longitude 131°46'15" W.;  
Homesite No. 121, lot "M" of Mud Bay Group, 3.33 acres, approximate latitude 55°25' N., longitude 131°40' W.;  
Homesite No. 148, tract "L" of Mud Bay Group, 3.71 acres, approximate latitude 55°25' N., longitude 131°45'35" W.;  
Homesite No. 194, lot "B" of Fritz Cove group, 3.23 acres, U. S. Survey No. 2390;  
Homesite No. 211, lot "F", Wrangell Group, 4.28 acres, U. S. Survey No. 2321;  
Homesite No. 240, lot "C"-1, Auke Bay Group, 2.78 acres, U. S. Survey No. 2389;  
Homesite No. 256, lot "E", Triangle Group, 2.17 acres, U. S. Survey No. 2391;  
Homesite No. 280, tract "Q", Scow Bay Group, 4.97 acres, U. S. Survey No. 2464;  
Homesite No. 272, tract "S", Triangle Group, 4.71 acres, U. S. Survey No. 2391;  
Homesite No. 320, tract "T", Wrangell Group, 4.74 acres, U. S. Survey No. 2321;  
Homesite No. 337, on Hot Springs Bay, west shore of Baranof Island, 3.28 acres, approximate latitude 56°50'10" N., longitude 135°22'10" W.;  
Homesite No. 404, lot 32, Mountain Point Group, 0.85 of an acre, U. S. Survey No. 2402;  
Homesite No. 410, tract "E", Auke Lake Group, 4.96 acres, U. S. Survey No. 2392;  
Homesite No. 435, lot 91, Herring Bay Group, 4.13 acres, U. S. Survey No. 2403;  
Homesite No. 456, tract "P", East Craig Group, 5 acres, U. S. Survey No. 2327;

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Homesite No. 457, in East Craig Group on east shore of Shelter Cove, Prince of Wales Island, 2.65 acres, approximate latitude 55°28'33" N., longitude 133°09' W.;

Homesite No. 476, tract "A", Mountain Point Group, 2.03 acres, U. S. Survey No. 2402; Homesite No. 482, lot "A", tract "A", Fritz Cove Group, 3.79 acres, U. S. Survey 2390;

Homesite No. 530, tract "G", Fritz Cove Group, 3.27 acres, U. S. Survey No. 2390;

Homesite No. 538, lot "J", Mountain Point Group, 2.47 acres, U. S. Survey No. 2402;

Homesite No. 540, on east shore of Clarence Strait, Cleveland Peninsula, 3.30 acres, approximate latitude 55°42' N., longitude 132°14' W.;

Homesite No. 542, lot 3, Tenakee Group, 4.25 acres, U. S. Survey No. 2450;

Homesite No. 546, lot 8, sec. 36, T. 50 S., R. 67 E., C. R. M., 4.76 acres;

Homesite No. 549, lot "C", Pederson Hill Group, 5 acres, U. S. Survey No. 2386;

Homesite No. 575, in Fishermans Harbor Group, Kosciusko Island, 1.52 acres, approximate latitude 55°57'45" N., longitude 133°47'05" W.;

Homesite No. 577, lot "J" of Clover Pass Group, Revillagigedo Island, 3.67 acres, approximate latitude 55°28'24" N., longitude 131°47'35" W.;

Homesite No. 595, lot 36, Hood Bay Group, Admiralty Island, 2.63 acres, U. S. Survey No. 2413;

Homesite No. 596, lot 22, Hood Bay Group, 4.31 acres, U. S. Survey No. 2412;

Homesite No. 597, lot 16, Hood Bay Group, 3.50 acres, U. S. Survey No. 2412;

Homesite No. 598, lot 29, Hood Bay Group, 4.46 acres, U. S. Survey No. 2413;

Homesite No. 603, tract "R", Scow Bay Group, 3.41 acres, U. S. Survey No. 2464;

Homesite No. 612, on shore of Deep Bay, Revillagigedo Island, 3.49 acres, approximate latitude 55°33'30" N., longitude 131°40'45" W.;

Homesite No. 613, tract 65, Mountain Point Group, 0.64 of an acre, U. S. Survey No. 2402;

Homesite No. 636, on south shore of Hot Springs Bay, Baranof Island, 3.78 acres, approximate latitude 56°50'10" N., longitude 135°22'10" W.;

Homesite No. 641, lot "A", Smugglers Cove Group, 1.86 acres, U. S. Survey No. 2492;

Homesite No. 681, lot 28, Hood Bay Group, 3.90 acres, U. S. Survey No. 2413;

Homesite No. 684, on west side of False Point on Port Frederick, Chichagof Island, 4.10 acres, approximate latitude 58°05'48" N., longitude 135°26'54" W.;

Homesite No. 747, lot 59, Mountain Point Group, 0.53 of an acre, U. S. Survey No. 2402;

Homesite No. 771, in Fritz Cove Group on Auke Bay, 0.78 of an acre, approximate latitude 58°22'45" N., longitude 134°38'20" W.;

Homesite No. 773, in Fritz Cove Group on Auke Bay, 0.43 of an acre, approximate latitude 58°22' N., longitude 134°38' W.;

Homesite No. 775, near Glacier Highway, about 12.9 miles northerly from Juneau,

0.433 of an acre, approximate latitude 58°21' N., longitude 134°29' W.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
February 12, 1942.

[No. 9059]

[F. R. Doc. 42-1316; Filed, February 13, 1942; 11:43 a. m.]

## Rules, Regulations, Orders

### TITLE 14—CIVIL AVIATION

#### CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendments 04-3, 04-4, 04-5, 04-6, 04-7, 04-8, 04-9, 04-10, 04-11, 04-12, 04-13, Civil Air Regulations]

#### PART 04—AIRPLANE AIRWORTHINESS

##### CERTIFICATION OF TRANSPORT CATEGORY AIRPLANES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to sections 205 (a), 601 and 603 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 04 of the Civil Air Regulations is amended as follows:

1. By inserting a new § 04.01 immediately following § 04.00 to read as follows:

§ 04.01 *Airplane categories.* At the election of the applicant, an airplane may be certificated under the requirements for a particular category according to the intended use of the airplane. Sections of this Part which affect only one particular category are designated by a suffix added to the appropriate section numbers, as follows:

Normal Category..... Suffix "N"  
Transport Category..... Suffix "T"  
Acrobatic Category..... Suffix "A"

All sections not designated by a suffix are applicable to all categories, except as otherwise specified.

2. By striking § 04.103 and marking the same "Unassigned".

3. By inserting a new § 04.434-T immediately following § 04.434, to read as follows:

§ 04.434-T *Flap controls.* For transport category airplanes, the flap control shall provide means for bringing the flaps from any position within the operating range to any one of three positions, designated hereinafter as landing, approach, and take-off positions, or to the fully retracted position, by placing the primary flap control in a single setting marked as corresponding to each such flap position, the flaps thereupon moving directly to the desired position without requiring

further attention. If any extension of the flaps beyond the landing position is possible, the flap control shall be clearly marked to identify such range of extension.

The landing position, approach position, and take-off position, or any of them, may be made variable with altitude or weight by means of a secondary flap control provided for that purpose. Such a secondary control, if provided, shall operate independently of the primary control and in such manner that when it has been adjusted (for the effect of weight or altitude), the necessary flap position can thereafter be obtained by placing the primary flap control in the desired position. The secondary control shall be so designed and marked as to be readily operable by the crew.

The rate of flap retraction shall be such as to permit compliance with § 04.7540-T.

4. By inserting a new § 04.439-T immediately following § 04.438, to read as follows:

§ 04.439-T *Trim controls.* For transport category airplanes, the trimming devices shall be capable of continued normal operation in spite of the failure of any one connecting or transmitting element in the primary control system. Trim controls shall operate in the plane and with the sense of the motion of the airplane which their operation is intended to produce.

5. By inserting a new § 04.445 immediately following § 04.441, to read as follows:

§ 04.445 *Brakes.* Transport category airplanes shall be equipped with brakes certificated in accordance with the provisions of Part 15 for the maximum certificated landing weight at sea level and the power-off stalling speed,  $V_{st}$ , as defined in § 04.7511-T. The brake system for such airplanes shall be so designed and constructed that in the event of a single failure in any connecting or transmitting element in the brake system, or the loss of any single source of hydraulic or other brake operating energy supply, it shall be possible, as shown by suitable test or other data, to bring the airplane to rest under the conditions specified in § 04.7533-T with a mean negative acceleration during the landing roll of at least 50 per cent of that obtained in determining the landing distance under that section.

6. By inserting a new § 04.707-T immediately following § 04.707, to read as follows:

§ 04.707-T *Flutter and vibration.* All parts of transport category airplanes shall be free from flutter or excessive vibration under all speed and power conditions appropriate to the operation of the airplane during take-off, climb, level flight, and landing, and during glide at speeds up to the maximum indicated air speed attained during official flight tests (see § 04.722). There shall be no appreciable buffeting for any flap position at any speed in excess of 10 miles per hour above stalling speed for such position nor shall buffeting at lower

speeds be so violent as to interfere with the pilot's control of the airplane or cause discomfort to its occupants.

7. By striking §§ 04.71 through 04.714, inclusive, and inserting in lieu thereof the following:

§ 04.71 (Unassigned).

8. By amending § 04.73 by striking therefrom the reference to § 04.71.

9. By striking § 04.741 and marking the same "(Unassigned)."

10. By striking §§ 04.75 through 04.761, inclusive, including all the footnotes thereto, and inserting in lieu thereof the following:

§ 04.75-T *Performance requirements for transport category airplanes.* The following requirements shall apply in place of §§ 04.700 to 04.7061, inclusive:

§ 04.750-T *Minimum requirements for certification.* An airplane may be certificated under the provisions of § 04.75-T, upon there having been established, in accordance with the terms of that section:

- (a) A maximum take-off weight at sea level;
- (b) a maximum landing weight at sea level;
- (c) a maximum one-engine-inoperative operating altitude (as defined in § 04.7513-T), which shall be at least 5,000 feet at a weight equal to the maximum sea level take-off weight;
- (d) take-off characteristics at maximum sea level take-off weight, and landing characteristics at maximum sea level landing weight, in accordance with the provisions of §§ 04.7532-T and 04.7533-T; and
- (e) compliance with the requirements of all other applicable parts of the Regulations:

If a certificate is issued under these conditions, it may be amended from time to time to include landing and take-off weights over an increased range of altitudes, and other pertinent performance data, including additional landing and take-off characteristics obtained in accordance with the provisions of §§ 04.7532-T and 04.7533-T.

§ 04.751-T *Definitions.*

§ 04.7511 *Stalling speeds.* In the following sub-sections of § 04.75-T:

$V_{st}$  denotes the true indicated stalling speed of the airplane in miles per hour with engines idling, throttles closed, propellers in low pitch, landing-gear extended, flaps in the "landing position", as defined in § 04.7512-T, cowl flaps closed, center of gravity in the most unfavorable position within the allowable landing range, and the weight of the airplane equal to the weight in connection with which  $V_{st}$  is being used as a factor to determine a required performance.

$V_{st}$  denotes the true indicated stalling speed in miles per hour with engines idling, throttles closed, propellers in low pitch, and with the airplane in all other respects (flaps, landing gear, etc.) in the condition existing in the particular test in connection with which  $V_{st}$  is being used.

§ 04.7512-T *Flap positions.* The flap positions denoted respectively as the landing position, approach position, and take-off position are those provided for in § 04.434-T, and may be made variable with weight and altitude in accordance with that section.

§ 04.7513-T *Maximum one-engine-inoperative operating altitude.* Maximum one-engine-inoperative operating altitude (to be determined in complying with § 04.723) shall be the altitude in standard air at which the steady rate of climb in feet per minute is  $0.02 V_{st}^2$  with the critical engine inoperative, its propeller stopped, all other engines operating at the maximum-except-take-off power available at such altitude, the landing gear retracted, and the flaps in the most favorable position.

§ 04.752-T *Weights.* The maximum take-off weight and maximum landing weight shall be established by the applicant and may be made variable with altitude. The maximum take-off weight for any altitude shall not exceed the maximum design weight used in the structural loading conditions for flight loads (§ 04.21), and shall not exceed the design weight used in the structural loading conditions for ground or water loads (§§ 04.24 and 04.25, respectively) by a ratio of more than 1.15. The maximum landing weight for any altitude shall not exceed the design weight used in the structural loading conditions for ground or water loads.

§ 04.7520-T *Fuel dumping provisions.* If the maximum take-off weight for any altitude exceeds the maximum landing weight for the same altitude, adequate provision shall be made, in accordance with § 04.6, for the rapid and safe dumping during flight of a quantity of fuel sufficient to reduce the weight of the airplane from such maximum take-off weight to such maximum landing weight. Compliance with this requirement shall be shown by dumping suitable colored fluids and fuel in flight tests in the following conditions:

- (a) Level flight at a speed of  $2.0 V_{st}$ ,
- (b) climb at a speed of  $1.4 V_{st}$  with 75 percent of maximum-except-take-off power,
- (c) glide with power off at a speed of  $1.4 V_{st}$ .

In conditions (a) and (b), the time required to dump the necessary amount of fuel shall not exceed 10 minutes. During such tests, the dumped fluid shall not come in contact with any portion of the aircraft or adversely affect its control, nor shall any fumes from such fluid enter any portion of the aircraft.

§ 04.753-T *Required performance and performance determinations.* Performance data shall be corrected to standard atmosphere and still air where such corrections are applicable. Performance data may be determined by calculation from basic flight tests if the results of such calculation are substantially equal in accuracy to the results of direct tests.

§ 04.7530-T *Stalling speed requirements.* (a)  $V_{st}$  at maximum landing weight shall not exceed 80 miles per hour.

(b)  $V_{s1}$  at maximum landing weight, flaps in the approach position, landing gear extended, and center of gravity in the most unfavorable position permitted for landing, shall not exceed 85 miles per hour.

§ 04.7531-T *Climb requirements.* In the climb tests required by this section, the engine cowl flaps, or other means of controlling the engine cooling air supply, shall be in a position which will provide adequate cooling with maximum-except-take-off power at best climbing speed under standard atmospheric conditions.

(a) *Flaps in landing position.* The steady rate of climb in feet per minute, at any altitude within the range for which landing weight is to be specified in the certificate, with the weight equal to maximum landing weight for that altitude, all engines operating at the take-off power available at such altitude, landing gear extended, center of gravity in the most unfavorable position permitted for landing, and flaps in the landing position, shall be at least  $0.07 V_{s1}^2$ .

(b) *Flaps in approach position.* The steady rate of climb in feet per minute, at any altitude within the range for which landing weight is to be specified in the certificate, with the weight equal to maximum landing weight for that altitude, the critical engine inoperative, its propeller stopped, all other engines operating at the take-off power available at such altitude, the landing gear retracted, center of gravity in the most unfavorable position permitted for landing, and the flaps in the approach position, shall be at least  $V_{s1}^2$ .

(c) *Flaps in take-off position.* The steady rate of climb in feet per minute, at any altitude within the range for which take-off weight is to be specified in the certificate, with the weight equal to maximum take-off weight for that altitude, the speed equal to the minimum take-off climb speed permitted in § 04.7532-T (b), the critical engine inoperative, its propeller windmilling with the propeller control in a position which would allow the engine (if operating normally and within approved limits) to develop at least 50 per cent of maximum-except-take-off engine speed, all other engines operating at the take-off power available at such altitude, the landing gear retracted, center of gravity in the most unfavorable position permitted for take-off, and the flaps in the take-off position, shall be at least  $0.035 V_{s1}^2$ .

§ 04.7532-T *Take-off determination.* The following take-off data shall be determined over such range of weights and altitudes as the applicant may desire, with a constant take-off flap position for a particular weight and altitude, and with the operating engines at not more than the take-off power available at the particular altitude. These data shall be based on a level take-off surface with zero wind.

§ 04.7532-T *Speeds*—(a) *Critical-engine-failure speed*, denoted by  $V_1$ , is a true indicated airspeed, chosen by the applicant but in any case not less than the minimum speed at which the controllability is adequate to proceed safely

with the take-off, using normal piloting skill, when the critical engine is suddenly made inoperative.

(b) *Minimum take-off climb speed*, denoted by  $V_2$ , is a true indicated airspeed chosen by the applicant, which shall permit the rate of climb required in § 04.7531-T (c) but which shall not be less than  $1.20 V_{s1}$  for two-engined airplanes, or  $1.15 V_{s1}$  for airplanes having more than two engines, or less than  $1.10$  times the minimum speed at which the airplane is fully controllable in flight using normal piloting skill when the critical engine is suddenly made inoperative.

§ 04.7532-T *Take-off path.* The lengths and slopes of segments of the take-off path, and the location of critical points on the complete path shall be determined in accordance with the following conditions and assumptions. The location of the points defined below shall be expressed in terms of the horizontal and vertical distances from the starting point.

(a) *Starting point.* The point from which a standing start is made with all engines operating.

(b) *Critical-engine-failure point.* The point at which the airplane attains speed  $V_1$  (critical engine failure speed) when accelerated from point (a) with all engines operating.

(c) *Accelerate-and-stop point.* The point on the take-off surface at which the airplane can be brought safely to a stop if all engines are cut at point (b).

(d) *Start-of-climb point.* The point on or just clear of the take-off surface at which the airplane attains speed  $V_2$  (take-off-climb speed) when the critical engine is made inoperative with its propeller windmilling in low pitch at point (b).

*The take-off acceleration segment*, (a) to (d), shall be determined by making a continuous run up to speed  $V_2$  with the critical engine cut at point (b).

(e) *Retraction-completion point.* The point at which landing gear retraction is completed when retraction is initiated not earlier than point (d).

*The initial climb segment*, (d) to (e), shall be assumed to correspond to the rate of climb at speed  $V_2$  with landing gear extended and windmilling propeller in low pitch.

*The second climb segment*, beginning at point (e), shall be assumed to correspond to the rate of climb at speed  $V_2$  with landing gear retracted and windmilling propeller in high pitch, as defined in § 04.7531-T (c). This segment may continue indefinitely or may end at point (g) in accordance with paragraph (g) following.

(f) *50-foot height point.* The point at which the airplane attains a height of 50 feet (above the take-off surface) along the take-off flight path defined herein.

(g) *Feathering-completion point.* The point where feathering or stopping of the inoperative propeller is completed, if the applicant desires to include this step in the take-off determination. It shall be assumed that the decision to

feather or stop is made not earlier than the instant of attaining point (f).

In the event that it is desired to include propeller feathering or stopping in the take-off path, the final climb segment, beginning at point (g), shall be assumed to correspond to the rate of climb at speed  $V_2$  with landing gear retracted and the propeller of the inoperative engine feathered or stopped.

§ 04.7533-T *Landing determination.* The horizontal distance required to land and come to a complete stop from a point at a height of 50 feet above the landing surface shall be determined for such range of weights and altitudes as the applicant may desire. In making this determination:

(a) Immediately prior to reaching the 50-foot altitude, a steady gliding approach shall have been maintained, with a true indicated airspeed of at least  $1.3 V_{s1}$ .

(b) The nose of the airplane shall not be depressed, nor the power increased, after reaching the 50-foot altitude. At all times during and immediately prior to the landing, the flaps shall be in the landing position, except that after the airplane is on the landing surface and the true indicated airspeed has been reduced to not more than  $0.9 V_{s1}$  the flap position may be changed.

(c) The operating pressures on the braking system shall not be in excess of those approved by the manufacturer of the brakes.

(d) The brakes shall not be used in such manner as to produce excessive wear of brakes or tires.

(e) The landing shall be made in such manner that there is no excessive vertical acceleration, no tendency to bounce, nose over, porpoise, ground loop, or water loop, and in such manner that its reproduction shall not require any exceptional degree of skill on the part of the pilot, or exceptionally favorable conditions. If this last condition (with respect to exceptional skill or favorable conditions) is not met, the distance to be determined shall be that considered to correspond to a piloting technique normally usable.

§ 04.754-T *Flight characteristics.* There shall be no flight characteristic which makes the airplane unairworthy. The airplane shall also meet the following requirements under all critical loading conditions within the range of center of gravity, and, except as provided in § 04.7541 (d), at the maximum weight for which certification is sought.

§ 04.7540-T *Controllability and maneuverability.* The airplane shall be controllable and maneuverable during take-off, climb, level flight, glide, and landing, and it shall be possible to make a smooth transition from one flight condition to another, without requiring an exceptional degree of skill, alertness, or strength on the part of the pilot, under all conditions of operation probable for the type, including those conditions normally encountered in the event of sudden failure of any engine. It shall be possible, with power off, with flaps either retracted or

in the landing position, with the center of gravity in the most unfavorable location within the certificated range, and with the airplane trimmed for a speed of  $1.4 V_{st}$ , to change the flap position to the opposite extreme, to make a sudden application of take-off power on all engines, or to change the speed to any value between  $1.10 V_{st}$  and  $1.70 V_{st}$ , without requiring a change in the trim control or the exertion of more control force than can readily be applied with one hand for a short period. It shall not be necessary to use exceptional piloting skill in order to prevent loss of altitude when flap retraction from any position is initiated during steady horizontal flight at  $1.1 V_{st}$ , with simultaneous application of not more than maximum-except-take-off power.

§ 04.7541-T *Trim*. The means used for trimming the airplane shall be such that after being trimmed and without further pressure upon or movement of either the primary control or its corresponding trim control by the pilot or the automatic pilot, the airplane will maintain:

(a) Lateral and directional trim under all conditions of operation consistent with the intended use of the airplane, including operation at any speed from best rate of climb speed to high speed and operation in which there is greatest lateral variation in the distribution of the useful load;

(b) Longitudinal trim, under the following conditions:

(1) During climb at the best rate of climb speed with maximum-except-take-off power.

(2) During a glide with power off at a speed not in excess of  $1.4 V_{st}$ , and

(3) During level flight at any speed from 90 percent of high speed to the sum of  $V_{st}$  and 20 percent of the difference between high speed and  $V_{st}$ ;

(c) Rectilinear climbing flight with the critical engine inoperative, each other engine operating at maximum-except-take-off power and the best rate of climb speed under such conditions;

(d) Rectilinear flight with any two engines inoperative and each other engine operating at maximum-except-take-off power under the following conditions:

(1) With the weight of the airplane not more than that at which there is a speed range in level flight of not less than 10 miles per hour;

(2) With the speed of the airplane not more than the high speed obtained under the conditions specified in (1) less 10 miles per hour.

§ 04.7542-T *Stability*. The airplane shall be longitudinally, directionally, and laterally stable in accordance with the following provisions. Suitable stability and control "feel" may be required in other conditions normally encountered in service if flight tests show such stability to be necessary for safe operation.

§ 04.75420-T *Static longitudinal stability*. In the flight conditions described in the following sub-section 04.754200-T:

(a) At any speed which can be obtained without excessive control force and which is more than 10 miles per hour above or below the specified trim speed, but not greater than the appropriate maximum permissible speed or less than the minimum speed in steady unstalled flight, the characteristics of the elevator control forces and friction shall be such that:

(1) A pull is required to maintain speeds below the specified trim speed and a push to maintain speeds above the specified trim speed.

(2) The control will, when unrestrained by the pilot, move continuously toward its original trim position.

(b) Where a stable slope of the stick force versus speed curve is specified, any decrease in speed below trim speed shall require an increase in the steady pull on the elevator control and any increase in speed above trim speed shall require an increase in the steady push on the control. Such slope shall be between such limits that any substantial change in speed is clearly perceptible to the pilot through a resulting change in stick force, and that the stick force required to produce necessary changes in speed does not reach excessive values.

§ 04.754200-T *Specific stability conditions*—(a) *Landing*. With flaps in the sea level landing position, the landing gear extended, maximum sea level landing weight, the airplane trimmed at  $1.4 V_{st}$  and throttles closed, the stick force curve shall have a stable slope at all speeds between  $1.1 V_{st}$  and  $1.8 V_{st}$ .

(b) *Approach*. With flaps in sea level approach position, landing gear retracted, maximum sea level landing weight, the airplane trimmed at  $1.4 V_{st}$  and with power sufficient to maintain level flight at this speed, the stick force curve shall have a stable slope at all speeds between  $1.1 V_{st}$  and  $1.8 V_{st}$ .

(c) *Climb*. With flaps retracted, landing gear retracted, maximum sea level take-off weight, 75 per cent of maximum-except-take-off power, and with the airplane trimmed at  $1.4 V_{st}$ , the stick force curve shall have a stable slope at all speeds between  $1.2 V_{st}$  and  $1.6 V_{st}$ .

(d) *Cruising*. With flaps retracted, maximum sea level take-off weight, 75 per cent of maximum-except-take-off power, and with the airplane trimmed for level flight, the stick force curve shall have a stable slope at all speeds obtainable with reasonable stick forces between:

(1)  $1.2 V_{st}$  and the maximum permissible speed, when the landing gear is retracted;

(2)  $1.2 V_{st}$  and the level flight speed, when the landing gear is extended.

§ 04.75421-T *Dynamic longitudinal stability*. The airplane shall not be dynamically unstable longitudinally, as shown by the damping of the normal long period oscillation, under any flight condition that is likely to be maintained for more than 10 minutes in ordinary service. Compliance with this require-

ment shall be demonstrated under at least the following conditions:

(a) During level flight with 75 percent of maximum-except-take-off power.

(b) During a climb with 75 percent of maximum-except-take-off power at a speed equal to 75 percent of that obtained in item (a) above.

Any short period oscillation occurring between stalling speed and maximum permissible speed shall be heavily damped with the primary controls in a fixed position.

§ 04.75422-T *Directional and lateral static stability*. The static directional stability, as shown by the tendency to recover from a skid with rudder free, shall be positive for all flap positions and symmetrical power conditions, and for all speeds from  $1.2 V_{st}$  up to the maximum permissible speed. The static lateral stability, as shown by the tendency to raise the low wing in a sideslip, shall be positive within the same limits.

§ 04.7543-T *Stalling*. With power off, and with that power necessary to maintain level flight with flaps in approach position at a speed of  $1.6 V_{st}$ , maximum landing weight, flaps and landing gear in any position, and center of gravity in the least favorable position for recovery, it shall be possible to produce and to correct roll and yaw by unreversed use of the aileron and rudder controls up to the time when the airplane pitches in the maneuver described below. During the pitching and recovery portions of the maneuver it shall be possible to prevent appreciable rolling or yawing by normal use of the controls.

In demonstrating this quality, the order of events shall be:

(a) With trim controls adjusted for straight flight at a speed of  $1.4 V_{st}$ , reduce speed by means of the elevator control until the speed is steady at slightly above stalling speed; then

(b) Pull elevator control back at a normal rate until a stall is produced as evidenced by an uncontrollable downward pitching motion of the airplane, or until the control reaches the stop. Normal use of the elevator control for recovery may be made after such pitching motion is unmistakably developed.

In any case, the airplane shall not pitch excessively before recovery is completed.

The airplane shall be recoverable without difficulty or the use of power from the inoperative engine when it is stalled with the critical engine inoperative and the remaining engines operating at 75 per cent of maximum-except-take-off power.

§ 04.755-T *Airplane operating manual*. There shall be furnished with each airplane a copy of a manual which shall contain such information regarding the operation of the airplane as the Administrator may require, including, but not limited to, the following:

(a) All performance data secured under §§ 04.7513-T to 04.7533-T, inclusive, together with any pertinent descriptions



of the conditions, airspeeds, etc., under which such data were determined:

(b) Adequate instructions for the use and adjustment of the flap controls under § 04.434-T.

(c) The indicated airspeeds corresponding to those determined in § 04.75320-T, together with pertinent discussion of procedures to be followed if the critical engine becomes inoperative on take-off.

(d) A discussion of any significant or unusual flying or ground-handling characteristics, knowledge of which would be useful to a pilot not previously having flown the airplane.

11. By amending the Table of Contents of Part 04 by striking the section headings as now set forth in the Table of Contents opposite the numbers 04.01, 04.71, and 04.76 and by inserting in lieu thereof, the following headings, respectively:

04.01 Airplane categories  
04.71 Unassigned  
04.76 Unassigned

and by striking the number 04.75, together with the section heading now opposite such number, and by inserting in lieu thereof the following:

04.75-T Performance requirements for transport category airplanes.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
*Secretary.*

[F. R. Doc. 42-1319; Filed, February 13, 1942;  
11:51 a. m.]

[Amendments 20-34, 20-35, and 20-36, Civil Air Regulations]

#### PART 20—PILOT CERTIFICATES

##### CITIZENSHIP REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 6, 1942, Part 20 of the Civil Air Regulations is amended as follows:

1. By amending § 20.102 to read as follows:

§ 20.102 *Citizenship.* Applicant shall be:

(a) A citizen of and of unquestionable loyalty to the United States, or

(b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war.

2. By striking § 20.142 and inserting in lieu thereof the following:

§ 20.142 *Citizenship.* Applicant shall be:

(a) A citizen of and of unquestionable loyalty to the United States, or

(b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war and which government grants reciprocal commercial pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

3. By amending § 20.152 to read as follows:

§ 20.152 *Citizenship.* Same as § 20.102.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
*Secretary.*

[F. R. Doc. 42-1321; Filed, February 13, 1942;  
11:51 a. m.]

[Amendment 21-5, Civil Air Regulations]

#### PART 21—AIRLINE TRANSPORT PILOT RATING

##### CITIZENSHIP REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 6, 1942, Part 21 of the Civil Air Regulations is amended as follows:

By striking §§ 21.12 through 21.122, inclusive, and inserting in lieu thereof the following:

§ 21.12 *Citizenship.* Applicant shall be:

(a) A citizen of and of unquestionable loyalty to the United States, or

(b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war and which government grants reciprocal commercial pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
*Secretary.*

[F. R. Doc. 42-1322; Filed, February 13, 1942;  
11:52 a. m.]

[Amendments 22-1, 22-2 and 22-3, Civil Air Regulations]

#### PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

##### CITIZENSHIP REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 6, 1942, Part 22 of the Civil Air Regulations is amended as follows:

1. By amending § 22.102 to read as follows:

§ 22.102 *Citizenship.* Applicant shall be:

(a) A citizen of and of unquestionable loyalty to the United States, or

(b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war.

2. By striking § 22.122 and inserting in lieu thereof the following:

§ 22.122 *Citizenship.* Applicant shall be:

(a) A citizen of and of unquestionable loyalty to the United States, or

(b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war and which government grants reciprocal commercial pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

3. By amending § 22.132 to read as follows:

§ 22.132 *Citizenship.* Same as § 22.102.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
*Secretary.*

[F. R. Doc. 42-1323; Filed, February 13, 1942;  
11:52 a. m.]

[Amendment 24-7, Civil Air Regulations]

#### PART 24—MECHANIC CERTIFICATES

##### CITIZENSHIP REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act

of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 6, 1942, Part 24 of the Civil Air Regulations is amended as follows:

By amending § 24.12 to read as follows:

§ 24.12 *Citizenship.* Applicant shall be:

- (a) A citizen of and of unquestionable loyalty to the United States, or
- (b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

F. R. Doc. 42-1324; Filed, February 13, 1942;  
11:52 a. m.]

[Amendment 27-5, Civil Air Regulations]

PART 27—AIRCRAFT DISPATCHER  
CERTIFICATES

CITIZENSHIP REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February, 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 6, 1942, Part 27 of the Civil Air Regulations is amended as follows:

By striking § 27.12 and inserting in lieu thereof the following:

§ 27.12 *Citizenship.* Applicant shall be:

- (a) A citizen of and of unquestionable loyalty to the United States, or
- (b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war and which government grants reciprocal commercial airman privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-1325; Filed, February 13, 1942;  
11:52 a. m.]

[Amendments 40-6 and 40-7, Civil Air  
Regulations]

PART 40—AIR CARRIER OPERATING  
CERTIFICATION

REQUIREMENT OF TRANSPORT CATEGORY  
AIRPLANES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February, 1942.

Acting pursuant to sections 205 (a), 601 and 604 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 40 of the Civil Air Regulations is amended as follows:

1. By striking § 40.12 and inserting in lieu thereof the following:

§ 40.12 *Aircraft.* Applicant shall show aircraft certificated as provided in Part 04 of a model and number deemed by the Administrator to be necessary for safe operation as related to the service offered, the route traversed, and the operating and maintenance procedure and techniques proposed.

2. By striking the first paragraph of § 40.2 and inserting in lieu thereof the following:

§ 40.2 *Passenger minimum requirements.* To be eligible for an air carrier operating certificate for the carriage of persons in interstate air transportation within the continental limits of the United States, an applicant, in addition to meeting the minimum requirements provided for in § 40.1, shall meet and comply with the following minimum requirements prescribed for the particular kind of operation proposed. Airplanes proposed for use for the carriage of passengers shall be subject to the following requirements:

(a) No airplane certificated as a basic type after June 30, 1942, shall be deemed adequate for use in scheduled air transportation unless it has been certificated in accordance with the transport category requirements of Part 04;

(b) No airplane which has been certificated as a basic type in accordance with the transport category requirements of Part 04 shall be deemed adequate for use in scheduled air transportation unless it can meet the requirements of § 61.712 over each route to be flown;

(c) On or after December 31, 1944, no individual airplane shall be deemed adequate for use in scheduled air transportation unless it has been certificated in accordance with the transport category requirements of Part 04, and can meet the requirements of § 61.712 over each route to be flown, or unless such airplane has been used in scheduled air transportation with the approval of the Administrator prior to that date;

(d) No airplane shall be deemed adequate for use in scheduled air transportation after December 31, 1947, unless it has been certificated in accordance with the transport category requirements of Part 04, and can meet the require-

ments of § 61.712 over each route to be flown.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-1327; Filed, February 13, 1942;  
11:53 a. m.]

[Amendment 51-4, Civil Air Regulations]

PART 51—GROUND INSTRUCTOR RATING

CITIZENSHIP REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 6, 1942, Part 51 of the Civil Air Regulations is amended as follows:

By amending § 51.1 (c) to read as follows:

§ 51.1 (c) *Citizenship.* Applicant shall be:

- (a) A citizen of and of unquestionable loyalty to the United States, or
- (2) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-1326; Filed, February 13, 1942;  
11:53 a. m.]

[Amendment 61-20, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES  
OPERATION OF TRANSPORT CATEGORY AIR-  
PLANES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 61 of the Civil Air Regulations is amended by adding a new § 61.712, to be inserted immediately after § 61.7114, as follows:

§ 61.712 *Operating limitations upon airplanes certificated under transport category requirements.* In operating in scheduled passenger transportation, any airplane certificated in accordance with the provisions of § 04.75-T, the restrictions of §§ 61.7121 to 61.7125, inclusive,

shall be observed unless deviations therefrom are specifically authorized by the Administrator on the ground that a peculiarity of the particular circumstances of a particular case makes a literal observation of the restrictions unnecessary for safety in that case.

In determining compliance with these provisions, the data obtained in testing the airplane for type certification may be applied, by interpolation or by computation of the effects of changes in specific variables, to conditions differing from those for which specific tests are made, where such interpolations or computations will give results substantially equalling in accuracy the results of a direct test.

§ 61.7121 *General limitations.* (a) The airplane shall not be operated from any field at an altitude outside of the altitude range for which maximum take-off weights have been determined and set forth in the airplane operating manual; and shall not be dispatched to a field of intended destination, or have any field specified as an alternate, which is at an altitude outside the range for which maximum landing weights have been determined, and set forth in the airplane operating manual.

(b) The weight of the airplane at take-off shall not exceed the certificated maximum take-off weight for the altitude of the field from which the take-off is to be made.

(c) The gross weight at take-off shall be such that, allowing for the consumption of the amount of fuel which would normally be consumed in flight to the intended destination, the weight on arrival at the destination will not exceed the certificated maximum landing weight for the altitude of the field of intended destination.

§ 61.7122 *Take-off limitations to provide for engine failure.* Take-offs shall be made only from such fields in such directions and under such gross weight limitations that the following conditions are fulfilled as shown by the performance data determined under § 04.7532-T and set forth in the airplane operating manual.

(a) From any point on the take-off up to the time of attaining the critical-engine-failure speed set forth in the airplane operating manual, it shall be possible to bring the airplane to a safe stop within the landing area, as shown by the accelerate-and-stop distance data.

(b) If the critical engine should fail at any instant after the airplane attains the critical engine failure speed, it shall be possible to proceed with the take-off, and attain a height of 50 feet, as indicated by the take-off path data, before passing over the end of the take-off area. Thereafter it shall be possible to clear all obstacles either by at least 50 feet vertically, as shown by the take-off path data, or by at least 200 feet horizontally within the airport boundaries and 300 feet horizontally after passing beyond such boundaries. In determining the

allowable deviation of the flight path in order to avoid obstacles, it shall be assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the take-off path data, and that the maximum bank thereafter does not exceed 15°.

(c) In applying requirements (a) and (b), correction shall be made for any appreciable gradient of the take-off surface. Take-off data based on still air may be corrected to allow for the effect of a favorable wind which is equal to not more than 50 percent of the component along the take-off runway due to the reported wind condition.

§ 61.7123 *Landing distance limitations.* (a) Aircraft shall be dispatched only under such conditions that it would be possible, as shown by the still air landing data obtained in § 04.7533-T and set forth in the airplane operating manual, at a weight corresponding to the maximum weight expected to exist at the time of arrival at the field of intended destination, and under standard air conditions for the altitude of such field, to bring the airplane to rest, from a point 50 feet directly above the intersection of the obstruction clearance line (as defined in § 61.7124) and the landing surface, within a total distance not in excess of 60 per cent of the effective length (as defined in § 61.7124) of the landing area most suitable for landing in still air.

(b) For every possible condition of wind velocity and direction and the corresponding landing direction required at the field of intended destination by the ground handling characteristics of the airplane type involved, the ratio of landing distance to effective length of landing area shall not be greater than that as specified in (a), after allowing for the effect on the landing path and roll of not more than 50 per cent of the favorable wind component due to a particular wind condition.

(c) If requirement (a) can be met, but requirement (b) cannot be fully met, at a field of intended destination, a flight to such field may be dispatched under the following or more conservative conditions:

(1) At least one suitable alternate field shall be designated in the flight plan, at which requirements (a) and (b) of this section, as modified by § 61.71230, and the requirements of §§ 61.71091 to 61.71096, inclusive, are met.

(2) If requirement (b) cannot be met for the wind conditions existing at the time of arrival, the airplane shall proceed to the alternate.

§ 61.71230 *Landing distance at alternate fields.* The conditions of § 61.7123 shall apply with respect to alternate fields specified in the flight plan, except that in the case of alternate fields the landing distance as defined in that section shall not exceed 70 per cent of the effective length of the landing area.

§ 61.7124 *Definition of effective length of landing area.* The effective length of

the landing area shall be the distance from the point where the obstruction clearance line, as defined below, intersects the landing surface to the far end of the landing area.

The obstruction clearance line is a line drawn tangent to or clearing all obstructions showing in a profile of the approach area, as defined below. The obstruction clearance line is further limited by having a slope to the horizontal of 1/20, as it approaches the landing area.

The approach area, as used in this section, shall be an area symmetrical about a center line coinciding with and prolonging the center line of the runway, except that where there are a multiplicity of parallel runways, or a large area continuously available for landing, the center line of the approach area shall coincide with the most probable landing path for instrument approaches. The approach area shall be considered as extending longitudinally from the landing area out to the most remote obstacle touched by the obstruction clearance line, assuming the center line of the approach area in plan view to be straight for at least 1,500 feet from the intersection of the obstruction clearance line with the landing surface, and thereafter continuing in a path consistent with the instrument approach procedures for the field in question, or where such procedures are not specified, consistent with turns of at least 4,000 feet radius; and as extending laterally to a distance of 200 feet on either side of its center line at the point of intersection of the obstruction clearance line with the landing surface, with this distance increasing uniformly to 500 feet on either side of the center line of the area at a longitudinal distance of 1,500 feet from the intersection of the obstruction clearance line with the landing surface, and maintaining a distance of 500 feet from the center line thereafter.

§ 61.7125 *Enroute limitations.* Aircraft shall be dispatched only under such conditions that in progressing along the intended route, with the weight of the airplane progressively reduced by the anticipated consumption of fuel and oil, the maximum one-engine-inoperative operative altitude, as defined in § 04.7513-T and as set forth in the airplane operating manual, shall at all times exceed by at least 1,000 feet the altitude of the highest ground or obstruction within 10 miles on either side of the intended route. Where special air navigation facilities provide for close and specific identification of an obstruction, or of high ground extending for less than 20 miles along the route, the maximum lateral distance from the intended route up to which such obstructions or high ground must be taken into account may be reduced to five miles.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-1320; Filed, February 13, 1942;  
11:51 a. m.]



# TITLE 17—COMMODITY AND SECURITIES EXCHANGES

## CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

#### AMENDMENT TO RULE RELATING TO REPORTS OF CERTAIN STABILIZING ACTIVITIES REQUIRED TO BE FILED UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 17 (a) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Act, hereby takes the following action:

Section 240.17a-2 [Rule X-17A-2] is amended to read as follows:

§ 240.17a-2 *Reports of certain stabilizing activities.* (a) Every member of a national securities exchange, and every broker or dealer who transacts a business in securities through the medium of any such member, and every broker or dealer registered pursuant to Section 15 of the Securities Exchange Act of 1934, as amended (Sec. 15, 48 Stat. 895; sec. 3, 49 Stat. 1377; 15 U.S.C., 78o), who effects any purchase for the purpose of pegging, fixing, or stabilizing (hereinafter referred to as stabilizing) the price of any security to facilitate an offering in respect of which a registration statement is filed under the Securities Act of 1933 (48 Stat. 74, et seq.; 15 U.S.C. 77a-aa), as amended, shall send to the Commission a report on Form X-17A-1—

(1) On the first business day following each day on which any purchase or sale of the offered security or the security being stabilized is effected by the manager of the stabilizing syndicate, as such, or if there is no such syndicate, by such member, broker or dealer, for any account;

(2) On the first business day following each day on which such member, broker or dealer effects, otherwise than through the manager of the stabilizing syndicate, any purchase or sale of the offered security or the security being stabilized, for any account; and

(3) Within three business days following the date on which the stabilizing is commenced, for each day in the twenty days preceding such date on which such member, broker, or dealer effected, for his own account, any purchase or sale of the offered security or the security being stabilized.

(b) Notwithstanding the provisions of paragraph (a) of this section, in the case of an offering made at a fixed public offering price, no report need be filed for any day solely because of a retail sale of the offered security at such public offering price. In such cases, there shall be disclosed in Column G of Schedule II

of the next report required to be filed pursuant to paragraph (a) of this section, the total of all such retail sales by the reporting person which were not previously reported.

(c) Promptly upon the termination of the stabilizing, written notice of such termination shall be given to the Commission. The reports required by paragraph (a) (1) and (2) of this section shall be filed until the stabilizing is terminated and the Commission is so notified, except that if any stabilizer then has a short position in any such security, he shall send to the Commission a report on Form X-17A-1 on the first business day following each day on which the manager of the stabilizing syndicate, as such, effects any purchase to cover such short position, and a report on that form on the first business day following each day on which such stabilizer effects a purchase, otherwise than through such manager, to cover such short position. Separate reports shall be filed as to each such security and may be filed by one or more of the stabilizers on behalf of any of the stabilizers. For the purpose of this rule and the forms prescribed hereby, the term "offered security" includes any security of the same class. Reports filed pursuant to this rule will be available for public inspection after the stabilizers have filed all the reports required hereby.

(d) Promptly upon the termination of the stabilizing, if any stabilizer then has a long position in the offered security, he shall promptly notify the Commission in writing of the amount of such long position, unless he is filing, pursuant to paragraph (a) of this section, a report for the date of termination.

Effective February 13, 1942.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-1311; Filed, February 13, 1942; 11:31 a. m.]

### PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

#### ADOPTION OF NEW FORM FOR FILING REPORTS OF CERTAIN STABILIZING ACTIVITIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 17 (a) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Act hereby takes the following action:

Form X-17A-1, bearing the printed legend "Adopted February 13, 1942" is adopted and Form X-17A-1 adopted on July 24, 1941, is rescinded.

Effective February 13, 1942.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-1812; Filed, February 13, 1942; 11:31 a. m.]

# TITLE 20—EMPLOYEES' BENEFITS

## CHAPTER II—RAILROAD RETIREMENT BOARD

### PART 299—PRIOR SERVICE RECORDS

#### REGULATIONS UNDER THE JOINT RESOLUTION PROVIDING FOR THE ACQUISITION BY THE RAILROAD RETIREMENT BOARD OF DATA NEEDED IN CARRYING OUT THE PROVISIONS OF THE RAILROAD RETIREMENT ACTS

Pursuant to the general authority contained in section 5, Public Resolution No. 102, 76th Congress, approved October 9, 1940 (54 Stat. 1088-1090), the Regulations of the Railroad Retirement Board under such Act (5 F.R. 4332) are amended, effective January 29, 1942 (Board Order 42-62 dated January 29, 1942), by the adoption of new §§ 299.53 and 299.59 and the amendment of existing §§ 299.52, 299.54, 299.56, 299.58, and 299.60, as follows:

§ 299.52 *Establishment of record.* The division of retirement claims will assemble and process the reports and other data received from employers and other companies so as to establish, as nearly as practicable, complete records by individuals, showing for each individual all creditable service rendered prior to January 1, 1937, and all creditable compensation necessary to establish the average monthly compensation for such service, or the fact that the individual rendered no creditable service. (Secs. 4, 5, 54 Stat. 1089, 1090)

§ 299.53 *Notice that certain claimed service is not creditable.* When it is found that service included by an individual in his statement of service rendered prior to January 1, 1937 is service to an employing unit which has been held by the general counsel or the Board not to be an employer or carrier-predecessor of an employer under the Act, or service which has been held by the general counsel or the Board not to be creditable as service to an employer or carrier-predecessor of an employer under the Act, and the record has not yet been established as provided for in § 299.52, the director of retirement claims may notify such individual by mail that this service will not be included in establishing his record if in his judgment the interests of the individual would be served by such notification. (Secs. 4, 5, 54 Stat. 1089, 1090)

§ 299.54 *Notice of record.*—(a) *Notice to employees for whom a record has been established.* As soon as practicable after the establishment of the record, as provided for in § 299.52, with respect to each individual, the division of retirement claims will give notice to such individual of the establishment of such record and the amount, if any, of creditable service and compensation so established.

(b) *Manner of notice.* Notice under paragraph (a) of this section shall be given to each individual, if his address is on file with the Board, by mail, or, if his address is not on file with the Board, (1) by transmission to employers for delivery, (2) by public advertisement, or (3) by such other means as the Board may determine.

(c) *General notice to employees and other individuals.* After notice has been given with respect to each individual for whom a record has been established, the Board will take steps to notify generally by public advertisement, by posters to be placed in offices of employers and labor organizations, or otherwise, each interested individual that all records of creditable service rendered prior to January 1, 1937, and creditable compensation necessary to establish the average monthly compensation for such service have been established and that if such individual believes he rendered such service and received such compensation and has not received notice thereof from the Board, he should request the establishment of a record thereof. (Secs. 4, 5, 54 Stat. 1089, 1090)

§ 299.56 *Finding that reasonable notice has been given.* The Board will find, from time to time, with respect to described individuals that reasonable notice has been given to such individuals and shall enter such finding in its records. After a general notice as provided for in paragraph (c) of § 299.54 has been given, the Board will find, and will enter such finding in its records, that reasonable notice has been given to all individuals with respect to whom no such finding previously has been made. (Secs. 4, 5, 54 Stat. 1089, 1090)

§ 299.58 *Contest of record—(a) By individuals for whom a record has been established.* Upon receipt of notice of establishment of his record, each individual who believes his creditable service prior to January 1, 1937, or compensation therefor to be other than as indicated in such notice may contest such record by forwarding immediately to the Railroad Retirement Board, Washington, D. C., attention of the director of retirement claims, a statement setting forth the nature and extent of his protest.

(b) *By individuals not in receipt of any individual notice.* After the general advertisement or other advice that all notices of establishment of record have been sent out, any individual who has received no individual notice of establishment of such a record for him and who believes that he rendered creditable service prior to January 1, 1937, may contest such failure to establish a record by forwarding immediately to the Railroad Retirement Board, Washington, D. C., attention of the director of retirement claims, a request for the establishment of a record of his service and compensation, with a statement setting forth the details of his service.

(c) *No such contest on action described in § 299.53.* No contest under paragraphs (a) or (b) of this section shall be based upon action of the director of retirement claims pursuant to § 299.53, but such action may be contested by appeal to the Board as provided in paragraph (c) of § 299.59.

(d) *Time limit for contest of record.* An individual who wishes, pursuant to paragraphs (a) or (b) of this section, to contest the record as established, or the failure to establish such record, shall file with the director of retirement claims the statement as provided for in para-

graphs (a) or (b) of this section, within two years from the date that the Board entered upon its records a finding that reasonable notice had been given with respect to such individual, as provided in § 299.56,

(e) *Decisions upon contest.* Each contest of the record as established, or of the failure to establish such record, shall be determined initially by the director of retirement claims. In his determination of the contest, the director of retirement claims shall affirm the record previously established if it is found to be correct; shall establish a new record in place of the previously established record if it is found to have been erroneous; or, if no record was previously established, shall establish a record showing the service and compensation established or that there is no creditable service prior to January 1, 1937, as the case may be. (Secs. 4, 5, 54 Stat. 1089, 1090)

§ 299.59 *Appeals—(a) Appeal from an initial determination of the director of retirement claims.* (1) Every individual who has contested his record as established, or the failure to establish such record, shall have the right to appeal to the appeals council from the initial determination of such contest, unless the sole issue determined is appealable directly to the Board pursuant to paragraph (c) of this section.

(2) Appeal from an initial determination of such contest by the director of retirement claims shall be made by the execution and filing of the appeal form prescribed by the Board. Such form must be filed with the appeals council before the later of the following dates: (i) One year after the date notice of the initial determination of the contest by the director of retirement claims is mailed to the individual; (ii) Two years after the date upon which the finding that reasonable notice had been given to the individual was entered by the Board on its records, as provided in § 299.56.

(3) The individual shall have no right to further review of an initial determination of the director of retirement claims unless formal appeal is filed in the manner and within the time prescribed herein.

(4) The appellant, or his representative, shall be afforded full opportunity to present further evidence upon any controversial question of fact, orally or in writing or by means of exhibits; to examine and cross-examine witnesses; and to present argument in support of the appeal. If, in the judgment of the appeals council, evidence not offered by the appellant is available and relevant and is material to the merits of the case, the appeals council shall obtain such evidence upon its own initiative. The appeals council shall protect the record against scandal, impertinence and irrelevancies, but the technical rules of evidence shall not apply.

(5) In the development of appeals, the appeals council shall have power to hold hearings, require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations.

(6) All oral evidence presented at any hearing shall be reduced to writing. All evidence presented by the appellant and all evidence developed by the appeals council shall be preserved. Such evidence, together with a record of the arguments, oral or written, and the file previously made in the establishment of the record and in the decision upon the contest shall constitute the record of the case for the decision of the appeal. After an appeal form is filed, the compilation of the record of the case shall be initiated by the inclusion therein of the file made in the establishment of the record of service and compensation and the decision upon the contest; the compilation of the record of the case shall be kept up to date by the prompt addition thereto of all parts of the record subsequently developed. The entire record at any time during the pendency of an appeal shall be available for examination by the appellant or his representative.

(7) Upon completion of the record, the appeals council shall render decision thereon as soon as practicable, and, within thirty days after the making thereof, such decision shall be communicated to the appellant in writing. Decision shall be taken by unanimous vote of the members of the appeals council, and such decision shall be either a decision upon the merits of the appeal, or a decision to certify the entire record as an automatic appeal to the Board. If the decision is upon the merits of the appeal, the appeals council may establish a new record in place of one previously established.

(b) *Final appeal from a decision of the appeals council.* (1) Every appellant shall have a right to a final appeal to the Railroad Retirement Board from any decision of the appeals council by which he claims to be aggrieved.

(2) Final appeal from a decision of the appeals council shall be made by the execution and filing of the final appeal form prescribed by the Board, except as provided in subparagraph (7) of paragraph (a) of this section, and must be filed with the Board within four months from the date upon which notice of the decision by the appeals council is mailed to the appellant at the address furnished by him. As used herein, a month shall be considered to have elapsed between any date and the date corresponding thereto in the next succeeding month.

(3) The individual shall have no right to further review of a decision of the appeals council unless formal final appeal is filed in the manner and within the time prescribed herein.

(4) Upon final appeal to the Board, the appellant shall not have the right to submit additional evidence: *Provided, however,* That, if upon final appeal to the Board, the Board finds that new or better evidence is available, the Board may obtain such evidence, in which event the appellant shall be advised with respect to such evidence and given an opportunity to submit rebuttal evidence and argument: *And provided further,* That in the event that pursuant to the preceding proviso material evidence is developed which tends to show facts con-

trary to those found by the appeals council, or, in the event that the appellant shows that he is ready to present further material evidence, which for good reason he was not able to present to the appeals council, the claim may be referred back to the appeals council. Thereupon the appeals council shall receive such new evidence as may be offered, develop new or better evidence if available, affording the appellant appropriate opportunity to submit rebuttal evidence and argument, include a transcript of all evidence in the record, and transmit the entire record to the Board together with its recommendation to the Board for final decision.

(5) The decision of the Board shall be made upon the record of evidence and argument which has been made in the handling of the case before final appeal to the Board, with such additions as may be made pursuant to this section. Further argument will not be permitted except upon a showing by the appellant that he has arguments to present which for valid reasons he was unable to present at an earlier stage, and in cases in which the Board requests further elaboration of the appellant's arguments. In such cases, the further argument shall be submitted orally or in writing, as the Board may indicate in each case, and shall be subject to such restrictions as to form, subject matter, length and time as the Board may indicate to the appellant.

(6) In its decision, the Board may establish a new record in place of one previously established.

(c) *Direct appeal to the Board from findings that service is of such character as not to be creditable.* (1) Any individual who receives a notice described in § 299.53 that certain claimed service is not creditable and any individual whose contest of record is determined by the division of retirement claims solely upon the ground that service claimed is service to an employing unit which has been held by the general counsel or the Board not to be an employer or carrier-predecessor of an employer under the Act or service which has been held by the general counsel or the Board not to be creditable as service to an employer or carrier-predecessor of an employer under the Act shall have a right to appeal such issue directly to the Board. Such appeal shall be made by the execution and filing of the appeal form prescribed by the Board. Such form must be filed with the secretary of the Board before the later of the following dates: (i) One year after the date notice of the initial determination of the contest by the director of retirement claims is mailed to the individual; (ii) Two years after the date upon which the finding that reasonable notice had been given to the individual was entered by the Board on its records, as provided in § 299.56. The individual shall have no right to review of such issue unless formal appeal is filed in the manner and within the time prescribed herein.

(2) After the appeal form is filed, the compilation of the record of the case shall be initiated by the inclusion therein of the file made in the previous determina-

tion that the service in question is not creditable under the Act. The appellant shall be afforded an opportunity to submit in writing any evidence and argument which is pertinent to the issue to be determined, and, if in the judgment of the Board a full and fair presentation of evidence or argument would be facilitated through the presentation of oral evidence or argument, such opportunity shall be provided either before the Board or before an examiner appointed by the Board to hear such evidence and argument and to report thereon to the Board. All oral evidence and argument shall be reduced to writing and, together with any report of an examiner, shall become part of the record on the appeal.

(3) Upon the filing of an appeal pursuant to this subsection, the Board may consolidate therewith any other appeal presenting the same questions of fact and law and by individual notice or by publication may give notice to all persons whose record of creditable service and compensation rendered prior to January 1, 1937 will be affected by the determination of the issue presented on the appeal and may thereby make all such persons parties to the proceeding. The decision on the appeal in such case shall constitute the final determination of the issue with respect to all persons, whether individually named or described as a class, who have been made parties to the proceeding pursuant to this paragraph.

(4) Upon completion of the record, the Board shall make final decision of the issue presented.

§ 299.60 *Finality of record.*—(a) *For an individual for whom a record is established pursuant to § 299.52.* Any record established pursuant to § 299.52 and which is not contested pursuant to § 299.58 or appealed pursuant to paragraph (c) of § 299.59 shall be presumed to include all service rendered and compensation earned prior to January 1, 1937 by the individual to whom such record relates, and, unless shown by new and manifestly convincing evidence to be clearly erroneous, shall be conclusive: *Provided, however,* That such records shall in no wise restrict the authority of the Board to determine upon the filing of an application for an annuity that some or all of the service or compensation so recorded is not service or compensation as said terms are defined in the Railroad Retirement Acts or that under the provisions of the applicable Railroad Retirement Act some or all of the service or compensation so recorded is not to be used in the computation of an annuity.

(b) *For an individual for whom no record is established pursuant to § 299.52.* With respect to each individual for whom no record is established pursuant to § 299.52 and who does not, pursuant to paragraphs (b) and (d) of § 299.58, contest such failure to establish a record, the fact that no such record is established shall be presumed to show that such individual, prior to January 1, 1937, rendered no service and earned no compensation as said terms are defined in the applicable Railroad Retirement Act, and such presumption shall be rebut-

table only by new and manifestly convincing evidence showing it to be clearly erroneous.

(c) *For an individual for whom a record is established upon contest or appeal.* Any decision made pursuant to paragraph (e) of § 299.58 upon a contest of a record or of the failure to establish a record, if not appealed in accordance with § 299.59 and every final decision made upon the appeal pursuant to § 299.59, shall constitute the final determination of the issue presented. Such determination shall, without re-examination or further review, govern the annuity rights of the individual and shall be applied by all officers and employees of the Board in any future action dependent upon the matter of fact or law so determined. (Secs. 4, 5, 54 Stat. 1089, 1090)

By Authority of the Board.

[SEAL]

JOHN C. DAVIDSON,  
Secretary of the Board.

FEBRUARY 13, 1942.

[F. R. Doc. 42-1328; Filed, February 13, 1942;  
11:54 a. m.]

#### PART 299—PRIOR SERVICE RECORDS

REGULATIONS UNDER THE JOINT RESOLUTION PROVIDING FOR THE ACQUISITION BY THE RAILROAD RETIREMENT BOARD OF DATA NEEDED IN CARRYING OUT THE PROVISIONS OF THE RAILROAD RETIREMENT ACTS

Pursuant to the general authority contained in section 5, Public Resolution No. 102, 76th Congress, approved October 9, 1940 (54 Stat. 1088-1090), §§ 299.58 (d) and 299.59 of the Regulations of the Railroad Retirement Board under such Act (5 F.R. 4332) are amended, effective January 29, 1942 (Board Order 42-83 dated February 10, 1942), as follows:

Section 299.58 by the addition of the following sentence at the end of paragraph (d) thereof:

§ 299.58 *Contest of record.*

(d) *Time limit for contest of record.*

\* \* \* In determining whether a contest, as provided for in paragraphs (a) or (b) of this section, has been made in accordance with this subsection, the date of filing the statement required shall be the date of receipt in the office of the Board in Washington, D. C., or the date of receipt by a Regional Office of the Board, or the date of delivery for the purpose of transmission to the Board's Washington office into the personal custody of a district manager at his office or elsewhere in his district or at his office to a subordinate field agent designated by him, or the date of delivery for the purpose of transmission to the Board's Washington office to any field agent specifically authorized by a Regional Director to receive custody in the district where delivery is made, whichever date is earlier.

Section 299.59 by the addition of the following as paragraph (d) thereof:

§ 299.59 *Appeals.*

(d) *When appeal has been made.* In determining whether an appeal has been made in accordance with this section, the date of filing of a duly executed appeal form prescribed by the Board shall be the date of receipt in the office of the Board in Washington, D. C., or the date of receipt by a Regional Office of the Board, or the date of delivery for the purpose of transmission to the Board's Washington office into the personal custody of a district manager at his office or elsewhere in his district or at his office to a subordinate field agent designated by him, or the date of delivery for the purpose of transmission to the Board's Washington office to any field agent specifically authorized by a Regional Director to receive custody in the district where delivery is made, whichever date is earlier.

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,  
Secretary.

FEBRUARY 13, 1942.

[F. R. Doc. 42-1329; Filed, February 13, 1942;  
11:54 a. m.]

## TITLE 29—LABOR

### CHAPTER V—WAGE AND HOUR DIVISION

#### PART 616—MINIMUM WAGE RATE IN THE PROPERTY MOTOR CARRIER INDUSTRY

##### WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 34 FOR A MINIMUM WAGE RATE IN THE PROPERTY MOTOR CARRIER INDUSTRY

Whereas on July 8, 1941, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 118, appointed Industry Committee No. 34 for the Property Motor Carrier Industry, herein called the Committee, and directed the Committee to recommend a minimum wage rate for the Property Motor Carrier Industry in accordance with section 8 of the Act; and

Whereas the Committee included six disinterested persons representing the public, a like number of persons representing employers in the Property Motor Carrier Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Property Motor Carrier Industry is carried on; and

Whereas on September 12, 1941, the Committee, after investigating economic

and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40 cent minimum hourly wage rate in the Property Motor Carrier Industry; and

Whereas after notice published in the FEDERAL REGISTER on October 22, 1941, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on December 1, 2, 3, 4 and 5, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas all persons who appeared at the hearing were given leave to file briefs on or before January 26, 1942; and

Whereas oral argument was held on January 30, 1942 before the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, concludes that the Industry Committee's recommendation for the Property Motor Carrier Industry, as defined by Administrative Order No. 118, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 34 for a Minimum Wage Rate in the Property Motor Carrier Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 1560 Broadway, New York, New York;

Now therefore, it is ordered, That:

§ 616.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.\*

\*§§ 616.1 to 616.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup., IV, 208.

§ 616.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees

in the Property Motor Carrier Industry who is engaged in commerce or in the production of goods for commerce.\*

§ 616.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Property Motor Carrier Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.\*

§ 616.4 *Definition of the Property Motor Carrier Industry.* The Property Motor Carrier Industry to which this Wage Order shall apply, is defined as follows: The industry carried on by any person who holds himself out to the general public to engage in, or under individual contracts or agreements engages in, the transportation by motor vehicle of property in interstate commerce, or in the transportation by motor vehicle of property necessary to the production of goods for interstate commerce over regular or irregular routes. The term includes the industry carried on by any person who as agent or under contractual arrangement with any rail, water, or motor carrier or any express company engages in the performance within terminal areas of transfer, collection, or delivery services. The term does not include that part of the industry carried on by any carrier by rail or water or by any express or other company which is subject to Administrative Order No. 34 defining the Railroad Carrier Industry.\*

§ 616.5 *Scope of the definition.* The definition of the property motor carrier industry covers all occupations in the industry including clerical, maintenance, shipping and selling occupations: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.\*

§ 616.6 *Effective date.* This Wage Order shall become effective March 16, 1942.\*

Signed at Washington, D. C., this 13th day of February, 1942.

THOMAS W. HOLLAND,  
Administrator.

[F. R. Doc. 42-1313; Filed, February 13, 1942;  
11:35 a. m.]

# TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1057, Part II]

## PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE MIXING OF THE COALS OF MINE INDEX NOS. 890 AND 891, FOR THE ESTABLISHMENT OF AN ADDITIONAL RAIL LOADING POINT FOR THE COALS OF MINE INDEX NO. 1471 AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 2812, 895, 774 AND 894 IN DISTRICT NO. 1 FOR ALL SHIPMENTS EXCEPT TRUCK

A petition having been filed with the Bituminous Coal Division on September 12, 1941, by District Board 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of price classifications and minimum prices for certain coals in District 1, for all shipments except truck; Temporary relief having been granted by Order of the Director dated October 20, 1941, 6 F. R. 6050;

A hearing having been held in this matter pursuant to an Order of the

### PERMANENT SUPPLEMENT

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

### FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members—Supplement R*  
[Alphabetical listing of code members having railway loading facilities, showing price classifications by size groups.]

Mine Index No.	Code member	Mine name	Shipping point	Railroad	Size group	1	2	3	4	5
2812	Desalve, Donato.....	Spring Run.....	PS&N.....	PS&N.....	18	II	II	II	J	J
593	Gruskin, Louis (L. Gruskin Mining Company).....	Gruskin.....	PS&N RR.....	PS&N RR.....	79	II	II	II	J	J
1471	Handel & Son, Wm.....	Handel.....	PS&N RR.....	PS&N RR.....	20	(I)	(I)	(I)	E	E
774	Indian Head Fuel Co. (H. I. Sparks).....	Layman.....	PS&N RR.....	PS&N RR.....	100	(I)	(I)	(I)	F	F
894	Xanthi Brothers (Chester Vanity).....	Ooy.....	PS&N RR.....	PS&N RR.....	81	(I)	(I)	(I)	G	(I)

\*Indicates coal in this size group previously classified and priced.

Indicates no classifications effective for these size groups.

NOTE.—If coals of Mine Index Nos. 890 and 891 of R. C. Smith are loaded into the same car, the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification.

## FOR TRUCK SHIPMENTS

§ 321.24 *General prices—Supplement T*  
[Prices in cents per net ton for shipment into all market areas]

Code member Index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/VL	2" and under slack	3/4" and under slack
Gruskin, Louis (L. Gruskin Mining Company).....	895	Gruskin.....	10	Armstrong.....	D	236	216	216	106	165

[T. R. Doc. 42-1283; Filed, February 12, 1942; 11:04 a. m.]

[Docket No. A-1240]

## PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, § 321.24 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of Cherry Run #5 Mine, Mine Index No. 1453, of Cherry Run Coal Mining Company (A. A. Groe) for rail shipments on the Pennsylvania Railroad from Snow Shoe, Pennsylvania, and shall no longer be applicable for shipments on the Pennsylvania Railroad at Moshannon, Pennsylvania. All allowances or adjustments required or permitted in the Freight Origin Group No. 49 shall be applicable to all shipments of the coals of the Cherry Run #5 Mine, Mine Index No. 1453, of Cherry Run Coal Mining Company (A. A. Groe) from Snow Shoe, Pennsylvania.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 29, 1942.

DAN H. WHEELER,  
Acting Director.



## § 321.24 General prices—Supplement T—Continued

(Prices in cents per net ton for shipment into all market areas)

Code member index	Mine Index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	3/4" and under slack
Dougherty, A. O.	3283	Brooks	6	Jefferson	B	220	210	200	210	200
Garrett Coal Corporation	3316	Earl #2	44	Garrett	B	220	210	200	210	200
Keys, W. A. (Keys Coal Company)	3316	White #1-S	6	Jefferson	E	220	210	200	210	200
McGhee & Oles (J. Wallace Oles)	3296	Nancy #1	21	Clearfield	E	220	210	200	210	200
Miller & Lorell (George Miller, Jr.)	3305	Wood	6	Jefferson	D	220	210	200	210	200
Nearfoot Brothers (Orville Nearfoot)	3226	Old #14	14	Clearfield	D	220	210	200	210	200
Stobab, Jacob	3308	Winko	12	Indiana	E	215	215	200	215	200
Wallwork Coal Company (J. O. Wallwork)	3317	Hillside #1	4	Clarion	E	240	215	215	200	190
Wallwork Coal Company (J. C. Wallwork)	3318	Hillside #2	4	Clarion	E	240	215	215	200	190

\*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-1284; Filed, February 12, 1942; 11:04 a. m.]

[Docket No. A-1230]

PART 324—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices and changes in the shipping points for the coals of certain mines in District No. 4; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter,

temporary relief is granted as follows:

Commencing forthwith § 324.7 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 324.8 (Numerical list of mines) is amended by adding thereto Supplement R-II, § 324.2 (Seasonal discounts) is amended by adding thereto Supplement R-III, § 324.9 (Recapitulation of price classifications) is amended by adding thereto Supplement R-IV, § 324.11 (Special prices)—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel) is amended by adding thereto Supplement R-V, § 324.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

And it is further ordered, That the price classifications and minimum prices effective for the coals of the Stalder Mine, Mine Index No. 748, of Little Valley Coal Co. for rail shipments from Nelsonville, Ohio, on Chesapeake & Ohio Railroad shall be applicable only for rail shipments from Floodwood (Kimberly), Ohio, on the said railroad, and shall no longer be applicable for such shipments from Nelsonville, Ohio. All adjustments required or permitted mines in Freight

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 321.7 Alphabetical list of code members—Supplement R

(Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.)

Mine Index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin	1	2	3	4	5
3297	Anita Coal Company	Spencer	6	E	Punxsutawney, Pa.	PRR	50	(F)	(F)	(F)	(F)	(F)
1057	Bears, H. C. (Home steel Coal Co.)	Homestead	16	D	St. Benedict, Pa.	NYO	44	(F)	(F)	(F)	(F)	(F)
3306	Buller, James I.	Gohsen	6	E	Dora, Pa.	P&S	110	(F)	(F)	(F)	(F)	(F)
3308	Caspin, Co.	Caspin #1	14	E	Oscoda Mills, Pa.	PRR	46	(F)	(F)	(F)	(F)	(F)
1453	Cherry Run Coal Mfg. Co. (A. A. Groe)	Cherry Run #5	9	A	Snow Shoe, Pa.	PRR	48	(C)	(C)	(C)	(C)	(C)
3293	Dougherty, A. O.	Earl #2	44	B	McGees, Pa.	PRR	50	(F)	(F)	(F)	(F)	(F)
3315	Garrett Coal Corporation	White #1-S	6	B	Vinck, Md.	W. Md.	68	(F)	(F)	(F)	(F)	(F)
3316	Keys, W. A. (Keys Coal Company)	White #1-S	6	E	Rositer, Pa.	B&O	112	(F)	(F)	(F)	(F)	(F)
1051	Leaky Brothers	Nancy's	21	D	St. Benedict, Pa.	NYO	45	(F)	(F)	(F)	(F)	(F)
3296	McGhee & Oles (J. Wallace Oles)	Nancy #1	21	E	Brislin, Pa.	PRR	44	(F)	(F)	(F)	(F)	(F)
3305	Miller & Lorell (George Miller, Jr.)	Wood	6	D	Anita, Pa.	PRR	50	(F)	(F)	(F)	(F)	(F)
3226	Nearfoot Brothers (Orville Nearfoot)	Old #14	14	D	Boynton, Pa.	PRR	45	(F)	(F)	(F)	(F)	(F)
1897	Pfister, L. V.	Pfister	24	D	St. Benedict, Pa.	NYO	44	(F)	(F)	(F)	(F)	(F)
2308	Ringer, Harry H.	Ringer	30	E	Frederick, Pa.	B&O	100	(F)	(F)	(F)	(F)	(F)
3317	Wallwork Coal Company (J. O. Wallwork)	Hillside #1	4	E	Hawthorn, Pa.	PRR	75	(F)	(F)	(F)	(F)	(F)
3318	Wallwork Coal Company (J. O. Wallwork)	Hillside #2	4	E	Hawthorn, Pa.	PRR	75	(F)	(F)	(F)	(F)	(F)

\*Indicates coal in this size group previously classified and priced.  
†Indicates no classifications effective for these size groups.

## FOR TRUCK SHIPMENTS

## § 321.24 General prices—Supplement T

(Prices in cents per net ton for shipment into all market areas)

Code member index	Mine Index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	3/4" and under slack
Anita Coal Company	3297	Spencer	6	Indiana	E	220	210	200	210	200
Buller, James I.	3306	Gohsen	6	Jefferson	E	220	210	200	210	200
Caspin, Co.	3308	Caspin #1	14	Clearfield	B	220	210	200	210	200
Cherry Run Coal Mfg. Co. (A. A. Groe)	88	Cherry Run #1	9	Centre	A	(C)	(C)	(C)	(C)	(C)
Cherry Run Coal Mfg. Co. (A. A. Groe)	3187	Cherry Run #4	9	Centre	A	(C)	(C)	(C)	(C)	(C)
Cherry Run Coal Mfg. Co. (A. A. Groe)	1433	Cherry Run #5	9	Centre	A	(C)	(C)	(C)	(C)	(C)
Dickey & Daisher (Clyde F. Dickey)	3314	Davidson #2	7	Clearfield	D	220	210	200	210	200

Origin Group No. 22 shall be applicable for such shipments from Floodwood (Kimberly), Ohio.

No relief is granted herein as to the coals of Mine Index Nos. 2155, 2954, 1244, 2968, 2969, 267, 827, 1270, 1271, and 1314, in District No. 4, for the reasons set forth in an Order entered today designating that portion of Docket No. A-1230 which relates to them as Docket No. A-1230 Part II and granting temporary relief therein.

No relief is granted herein as to the coals of Mine Index No. 601 since it appears that price classifications and minimum prices were established therefor by an Order Granting Temporary Relief and Conditionally Providing For Final Relief dated May 21, 1941, 6 F.R. 2823, in Docket No. A-824.

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

The petition proposed Bidwell, Ohio, as the rail shipping point for the coals of the Gallia Mine, Mine Index No. 2943, of Gallia Sand Company. It appears from the code membership acceptance that this producer contemplates making rail shipments of the coals of the said mine from Evergreen, Ohio, on Chesapeake & Ohio Railroad. Since the petition does not allege any facts in support of the proposal as to Bidwell, Ohio, the price classifications and minimum prices established herein for the coals of the said mine are effective for rail shipments from Evergreen, Ohio, on the said railroad.

The petition proposed that price classifications and minimum prices be established for the coals of Mine Index No.

2943 in Size Group Nos. 1 to 9, inclusive, and 12 for all shipments except truck. It appears that price classifications and minimum prices have customarily been established for comparable and analogous coals in Size Groups 1 to 10, inclusive, and 12, and that Price Classification "Q" has been established for such comparable and analogous coals in Size Group No. 10 for all shipments except truck. Accordingly, Price Classification "Q" is established herein for the coals of Mine Index No. 2943 for all shipments except truck in Size Group No. 10, as well as in Size Groups 1 to 9, inclusive, and 12 for such shipments.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applica-

tions to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

#### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

##### FOR ALL SHIPMENTS EXCEPT TRUCK

#### § 324.7 Alphabetical list of code members—Supplement R-I

(Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.)

Mine Index No.	Code member	Mine name	Sub-dist. No.	Scam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos.											
									1	2	3	4	5	6	7	8	9	10	11	12
2006	Angelo, D. L.	Sleepy Hollow	2	7	Strip	Cambridge	PRR, B&O	8	R	R	R	R	R	R	R	R	R	R	R	R
2073	Bercs, Peter	Bercs	2	7A	Deep	Drakes	NYO	27	R	R	R	R	R	R	R	R	R	R	R	R
887	Duckworth, Carl J.	Memroe	0	0	Deep	Cokesville	W&LE	53	R	R	R	R	R	R	R	R	R	R	R	R
2043	Gallia Sand Company Co. K.	Gallia	8	0	Strip	Evergreen	C&O	23	R	R	R	R	R	R	R	R	R	R	R	R
1294	Good, Frank (New Hood Coal Company)	New Hood Coal Co.	8	8	Deep	Pomeroy	C&O	23	R	R	R	R	R	R	R	R	R	R	R	R
1206	Landman, J. W.	Landman	4	0	Deep	Coshocton	W&LE	53	R	R	R	R	R	R	R	R	R	R	R	R
823	Maxwell, A. E.	Sirny Hawk	2	7A	Deep	Drakes	NYO	27	R	R	R	R	R	R	R	R	R	R	R	R
2538	Payva Coal Company (W. R. Taylor)	Robertsville	4	5 & 0	Strip	Robertsville	W&LE	53	R	R	R	R	R	R	R	R	R	R	R	R
1315	Robert & Son, R. F.	R. F. Robert & Son	8	8	Deep	Pomeroy	C&O	23	R	R	R	R	R	R	R	R	R	R	R	R
2004	Wheeling Township Coal Mining Company, The	Mine #3	1	8	Strip	Adena	W&LE	18	R	R	R	R	R	R	R	R	R	R	R	R

<sup>1</sup> Subject to Exception No. 4, § 324 (b) in Minimum Price Schedule No. 1.

## § 324.9 Recapitulation of price classifications—Supplement R-IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See schedule of effective minimum prices, § 324.9 and § 324.10. Also applies to Market Areas 68 and 99 (Great Lakes), § 324.11 (b), § 324.11 (c), and vessel fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine Index Nos.	Additional mine Index Nos.
Ohio No. 8.	12, 14, 17, 18.	Add 8.	12, 16, 37, 45, 68, 92, 110, 161.	Add Mine Index No. 2964.
Cambridge.		Add 8.	(Subject to Exception No. 4, Page 3).	Add Mine Index No. 12965.
		Add 8.	83, 141.	Add Mine Index No. 12965.
Hooking.	20, 27.	Add 23.		Add Mine Index Nos. 825-2073.
Pomeroy.	23, 25.	Add 23.	14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add Mine Index No. 2043.
Middle.	51.	Add 55.	71.	Add Mine Index Nos. 1299-1316.
	55, 56.		9, 24, 32, 52, 135.	Add Mine Index No. 887.
	55.		5, 48, 110.	Add Mine Index No. 1606.
				Add Mine Index No. 2938.

<sup>1</sup> Prices as shown for Mine Index Nos. 87 and 121, appearing in the Schedule of Effective Minimum Prices for District No. 4, less 10¢ in Size Groups 7, 8, 9, and 12, will apply to additional Mine Index No. 2965 hereinabove noted for all Market Areas except Market Area 14. In addition, Mine Index No. 2965 will have a price in Size Group 10 equal to the applicable minimum price for its Size Group 8, less 5¢, for all Market Areas except Market Area 14. Prices for Market Area 14 shall be 5¢ per ton less in Size Groups 7, 8, 9, and 12 than Mine Index Nos. 87 and 121, and the price in Size Group 10 shall be the same as its Size Group 8.

<sup>2</sup> Prices as shown for Mine Index No. 14, appearing in the Schedule of Effective Minimum Prices for District No. 4, will apply to additional Mine Index No. 2938 hereinabove noted for shipment into all Market Areas. In addition, Mine Index No. 2938 will have a price in Size Group 10 equal to the applicable minimum price for its Size Group 8, less 5¢, for all Market Areas.

Prices as shown in §§ 324.9, 324.10, 324.11 (b), 324.11 (c), 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

## § 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of take cargo railroad fuel—Supplement R-V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (b).]

Name of railroad	Mine Index Nos.	Additional mine Index Nos.
Baltimore & Ohio Railroad Co.	8, 25, 133, 153, 161.	Add Mine Index No. 2965.
Chesapeake & Ohio Railway Co.	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 89, 101, 105, 112, 116, 130, 131, 168, 170, 171.	Add Mine Index Nos. 1294-1316.
New York Central System.	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 69, 69, 69, 73, 74, 83, 90, 91, 100, 107, 109, 123, 126, 138, 141, 143, 166, 168, 172.	Add Mine Index Nos. 825-2073.
Pennsylvania Railroad Co.	163.	Add Mine Index No. 2965.
Wheeling & Lake Erie Railway Co.	9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 135, 145, 154, 167, 164.	Add Mine Index Nos. 887-1606.
Akron, Canton & Youngstown Railway Co.	5, 12, 37, 48, 110, 119.	Add Mine Index Nos. 2938-2964.
Ann Arbor Railroad Co.		
Canadian National Railways and Grand Trunk Railway System.		
Canadian Pacific Railway Co.		
Detroit and Mackinac Railway Company.		
Detroit & Toledo Shore Line Railroad Co.		
Erie Railroad.		
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.)		
Pere Marquette Railway Co.		
For all Railroads not shown above.		

From all Mine Index Nos. except those shown below.  
From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 43, 48, 63, 77, 79, 105, 110, 119, 133, 153, 161, 166.  
From all Mine Index Nos. except those shown below.  
From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 43, 48, 63, 77, 79, 92, 97, 103, 110, 119, 133, 153, 161, 166.

<sup>1</sup> Prices for Mine Index No. 2943 shall be those prices appearing in § 324.11 (a) in the Schedule of Effective Minimum Prices, less 10¢ per ton, and in addition thereto, the price in Size Group 10 shall be the same as the applicable minimum price for its Size Group 8.  
Note: Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

## § 324.8 Numerical list of mines—Supplement R-II

Mine No.	Mine	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Subst. No.
825	Stacy Hawk.	Marshall, A. E.	Hooking.	27	NYO	5
887	Monroe.	Duckworth, Carl J.	Middle.	53	W&LE	6
1294	New Hood Coal Co.	Hood, Frank (New Hood Coal Company).	Pomeroy.	23	O&O	8
1315	R. E. Stobart & Son.	Stobart & Son, R. E.	Pomeroy.	23	O&O	4
1606	Landman.	Landman, J. W.	Middle.	55	W&LE	8
2073	Beres.	Beres, Peter.	Hooking.	27	NYO	4
2938	Robertsville.	Paava Coal Company (W. R. Taylor).	Middle.	55	W&LE	5
2943	Gallia.	Gallia Sand Company c/o O. K. Lang, att.	Pomeroy.	23	O&O	8
2964	Mine #3.	Wheeling Township Coal Mining Company, The.	Ohio No. 8.	18	W&LE	1
2965	Sleepy Hollow.	Angelo, D. I.	Cambridge.	8	B&O, PRR.	2

§ 324.2 Seasonal discounts<sup>1</sup>—Supplement R-III

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 38 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine Index Nos.	Additional mine Index Nos.	Amount of discount for shipments during the month of—
Ohio No. 8.	12, 14, 17, 18.		12, 16, 37, 45, 68, 92, 110, 161.	Add Mine Index No. 2964.	Apr. 30 20 10
Cambridge.		Add 8.		Add Mine Index No. 2965.	May 30 20 10
Hooking.	20, 27.		83, 141.	Add Mine Index Nos. 825-2073.	Jun. 30 20 10
Pomeroy.	23, 25.	Add 23.		Add Mine Index No. 2943.	Jul. 30 20 10
Middle.	51.		14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add Mine Index Nos. 1294-1316.	Aug. 30 20 10
	55, 56.	Add 55.	71.	Add Mine Index No. 887.	
	55.		9, 24, 32, 52, 135.	Add Mine Index No. 1606.	
			5, 48, 110.	Add Mine Index No. 2938.	

<sup>1</sup> Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.24 General prices in cents per net ton for shipment into all market areas—  
Supplement T—Continued

Code member Index	Mino	Mine Index No.	Seam	Base sizes										
				6-inch jump	3-inch-4-inch-5-inch jump	2-inch jump	2-inch x 4-inch egg, 2-inch x 5-inch egg	1½-inch jump, 1½-inch x 4-inch egg	Mine run, nut and pea	2-inch x 0 slack	¾-inch x 0 slack			
SUBDISTRICT No. 8—POMEROY														
GALLIA COUNTY														
Carson, Charles (Carson Coal Co.)	Carson	2034	8A	203 285 276	220	215 103 140 140								
Gallia Sand Company c/o O. K. Langfitt	Gallia	2043	6	203 285 276	220	215 103 140 140								
MEigs COUNTY														
Harrison Coal Co. (Ernest Harrison)	Harrison #2	2063	8	203 285 276	220	215 103 140 140								
Harrison Coal Co. (Ernest Harrison)	Harrison #3	2063	8	203 285 276	220	215 103 140 140								

[F. R. Doc. 42-1287; Filed, February 12, 1942; 11:05 a. m.]

[Pocket No. A-1260]

PART 326—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 6

ORDER GRANTING TEMPORARY RELIEF AND  
CONDITIONALLY PROVIDING FOR FINAL RE-  
LIEF IN THE MATTER OF THE PETITION OF  
DISTRICT BOARD NO. 6 FOR THE ESTABLISH-  
MENT OF PRICE CLASSIFICATIONS AND MIN-  
IMUM PRICES FOR THE COALS OF CERTAIN  
MINES IN DISTRICT NO. 6

An original petition, pursuant to sec-  
tion 4 II (d) of the Bituminous Coal Act  
of 1937, having been duly filed with this  
Division by the above-named party, re-  
questing the establishment, both tem-  
porary and permanent, of price classifi-  
cations and minimum prices for the coals  
of certain mines in District No. 6; and  
it appearing that a reasonable showing  
of necessity has been made for the grant-  
ing of temporary relief in the manner  
hereinafter set forth; and

No petitions of intervention having  
been filed with the Division in the above-  
entitled matter; and

The following action being deemed  
necessary in order to effectuate the pur-  
poses of the Act;

It is ordered, That, pending final dis-  
position of the above-entitled matter,

temporary relief is granted as follows:  
Commencing forthwith, § 326.5 (Alpha-  
betical list of code members) is amended  
by adding thereto Supplement R-1,  
§ 326.6 (Numerical list of mines) is  
amended by adding thereto Supplement  
R-11, and § 326.23 (General prices; for  
shipment into all market areas) is  
amended by adding thereto Supplement  
T, which supplements are hereinafter  
set forth and hereby made a part hereof.

It is further ordered, That pleadings  
in opposition to the original petition in  
the above-entitled matter and applica-  
tions to stay, terminate or modify the  
temporary relief herein granted may be  
filed with the Division within forty-five  
(45) days from the date of this Order,  
pursuant to the Rules and Regulations  
Governing Practice and Procedure before  
the Bituminous Coal Division in Pro-  
ceedings Instituted Pursuant to section  
4 II (d) of the Bituminous Coal Act of  
1937.

It is further ordered, That the relief  
herein granted shall become final sixty  
(60) days from the date of this Order,  
unless it shall otherwise be ordered.  
Dated: January 23, 1942.

DAN H. WHEELER,  
Acting Director.

[SEAL]

§ 324.24 General prices in cents per net ton for shipment into all market areas—  
Supplement T

Code member Index	Mine	Mine Index No.	Seam	Base sizes														
				6-inch lump	3-inch-4-inch-5-inch lump	2-inch lump	2-inch x 4-inch egg, 2-inch x 4-inch egg	1½-inch lump, 1¼-inch x 4-inch egg	Mine run, nut and pea	2-inch x 0 slack	¾-inch x 0 slack							
SUBDISTRICT NO. 1—EASTERN OHIO																		
HELMONT COUNTY																		
Donley, Applegarth & Homard (Harry Homard)	Donley.....	2031		8 285 276 260	225	230 220 200 100												
HARRISON COUNTY																		
Wheeler Township Coal Mining Company, The	Mine #3.....	2004		8 275 265 260	225	220 210 100 150												
SUBDISTRICT NO. 2—OAMMIDOE																		
QUERNSEY COUNTY																		
Arnold, D. L.....	Sleepy Hollow.....	2005		7 270 260 245	220	220 220 200 100												
Rebout, Vernon J.....	Rebout.....	2017		7 270 260 245	220	220 220 200 100												
SUBDISTRICT NO. 3—BERGHOIZ																		
JEFFERSON COUNTY																		
Carter Mann Coal Company (John K. Carter)...	Black Diamond.....	2023		8 235 276 260	225	220 220 200 100												
SUB-DISTRICT NO. 4—MIDDLE																		
COSHOCTON COUNTY																		
Haxton, Ralph Wayne.....	Haxton Coal.....	2040		6 280 270 260	225	230 103 103 103												
Willowbrook Coal Co. (Ward B. Davis).....	Willowbrook Coal Co. ....	2042		6 280 270 260	225	230 103 103 103												
HOLMES COUNTY																		
Olcholtzer, Martin & Livingston (Frank Martin)	Martin.....	2048		3 275 265 260	225	220 220 100 150												
MAHONING COUNTY																		
Jones, G. A.....	.....	2040		6 300 290 270	260	240 235 200 105												
TUSCARAWAS COUNTY																		
Golden Rod Coal Company, The c/o M. J. Criss	Golden Rod Coal Co. ....	2049		6 275 265 260	225	230 220 100 150												
Overholt Coal Co. (O. S. Overholt).....	Overholt.....	2042		5 235 276 260	225	230 220 100 150												
Walker, George.....	Walker.....	2043		6 275 265 260	225	230 220 100 150												
Wardell Coal Company (Curtis E. Wardell)...	Wardell Coal Co. ....	2060		6 275 265 260	225	230 220 100 150												
SUBDISTRICT NO. 6—GROESBVILLE																		
PENNY COUNTY																		
Kess Coal Co. (Lester Edwards).....	Kess.....	2007		6 280 270 260	225	230 103 103 103												
SUBDISTRICT NO. 7—JACKSON																		
ACKSON COUNTY																		
Glennell Coal Co. (W. J. Dixon).....	Glennell.....	2068		205 285 276	260	240 105 176 105												

### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 6

**NOTE:** The materials in these supplements is to be read in the light of the classifications, prices, instructions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and supplements thereto.

**FOR ALL SHIPMENTS EXCEPT TRUCK, RIVER, AND EX-RIVER**

**§ 326.5** *Alphabetical list of code members—Supplement R-I*

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

[illegible]

**§ 326.6 Numerical list of mines—Supplement R-II**

Refer to § 326.6 in Minimum Price Schedule for District No. 6. Add the following:

Mino infor No.	Mino	Code member	Freight origin group No.	Railroad
200	Roberts	Atlas Engineering Company, c/o Sidney C. Smith.	30	P.R.R.

Prices for Mine Index Numbers 7, 20, 24 and 26 shown in § 326.8(a), (b), (c), (d), in Minimum Price Schedule apply to Mine Index Number 203.

**FOR TRUCK SHIPMENTS**

§ 326.23 General prices; for shipment into all market areas—Supplement T

Code member index	Mine	Mine index No.	Scam	Base sizes									
				6" jump	3'-4"-5" jump	2' jump	2' x 4" egg; 2' x 3' egg	1 1/4" jump; 1 1/4" x 4" egg	Mine run; nut and pos	2" x 0 slack	3/4" x 0 slack		
Atlas Engineering Company c/o Sidney C. Smith.	Roberta.....	206	Pgh. 8--	1	2	3	4	5	6	7	8	180	

[F. R. Doc. 42-1286; Filed, February 12, 1942; 11:05 a. m.]

[Docket No. A-1065]

**PART 327—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 7**

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR A MIXTURE OF THE COALS PRODUCED AT MINES NOS. 2, 3, AND 6 OF C. H. MEAD COAL CO., A CODE MEMBER IN DISTRICT NO. 7. A petition having been filed with the

Bituminous Coal Division on September 18, 1941, by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of price classifications and minimum prices for a mixture of coals produced at the No. 2 & 3 Mine (Mine Index No. 117) and at the No. 6 Mine of C. H. Mead Coal Company, a code member in District 7:

Pursuant to an Order of the Director,  
a hearing in this matter having been

No. 7 for All Shipments Except Truck and § 327.34 (*General prices in cents per net ton for shipment into any market area*) in the Schedule of Effective Minimum Prices for District No. 7 for Truck Shipments be and they hereby are amended by establishing for the coals produced at the No. 6 Mine (Mine Index No. 240) of the C. H. Mead Coal Company, the classifications and effective minimum prices set forth in Supplements R and T annexed hereto and made a part hereof.

*It is further ordered, That the prayers for relief contained in the petition filed herein are granted to the extent set forth above and in all other respects denied.*

Dated: January 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

PERMANENT SUPPLEMENT, DISTRICT NO. 7

**NOTE:** The material contained in this Permanent Supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

**FOR ALL SHIPMENTS EXCEPT TRUCK**

**§ 327.11 Low volatile coals: Alphabetical list of code members—Supplement R**

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Shipping point	Railroad	Freight origin Group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
2240	Mead Coal Company, C. H.	Mead #6--	5	Pec. 4--	East Grd., W. Va.	VGN-C&O---	LS	D	D	C	A	A	B	B	B	B	B



## Supplement T

IF. R. Doc. 42-1282; Filed, February 12, 1942; 11:03 a. m.]

ORDER GRANTING TEMPORARY RELIEF AND  
CONDITIONALLY PROVIDING FOR FINAL RE-  
LIEF IN THE MATTER OF THE PETITION OF

**TEMPORARY AND CONDITIONALLY FINAL EFFECT**

**NOTE:** The material contained in this "Supplement R" is to be read in the light of the classes Price Schedule for District No. 7 and supplements thereto.

**§ 327.11 Low volatile coals: Alphabetical list of code members—Supplement R**

(An alphabetical list of ex-club members having rail/cray loading facilities, showing price classifications by size groups for all uses except as separately shown)

**Indicates no classifications effective for these size groups.**

**§ 327.34 General prices in cents per net ton for shipment into any market area—**  
**Supplement T**

U.S. v. R. DOG, 42-1389; Filed, February 12, 1942; 11:06 a. m.]

*It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (Low volatile coals: Alphabetical list of code members) is amended by adding thereto Supplement R, and § 327.34 (General*

**ations, prices, instructions, exceptions and other provisions contained in Part 327, Minimum**

**provisions contained in Part 327, Minimum**

1

Railroad	Freight origin group No.	Price classification by size group number									
		1	2	3	4	5	6	7	8	9	10
NEW	20										
NEW	20										
NEW	20										

[Docket No. A-1202]

**PART 328--MINIMUM PRICE SCHEDULE,  
DISTRICT No. 8**

ORDER GRANTING TEMPORARY RELIEF AND  
CONDITIONALLY PROVIDING FOR FINAL RE-  
LIEF IN THE MATTER OF THE PETITION  
OF DISTRICT BOARD NO. 8, FOR THE ESTAB-  
LISHMENT OF PRICE CLASSIFICATIONS AND  
MINIMUM PRICES FOR THE COALS OF CER-  
TAIN MINES IN DISTRICT NO. 8

An original petition, as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in

District No. 8: and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth: and

No petitions of intervention having been filed with the Division in the above-entitled matter: and

The following action being deemed necessary in order to effectuate the purposes of the Act:

*It is ordered*, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-1, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-2.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.  
Dated: January 24, 1942.  
[SEAL] DAN H. WHEELER,  
Acting Director.

filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

supplements are hereinafter set forth and hereby made a part hereof.  
It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be

plement R-II, § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-I, and § 328.42 (General prices for low volatile coals) is amended by adding thereto Supplement T-II, which

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 Alphabetical list of code members—Supplement R-I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																		
								For destinations other than Great Lakes										For Great Lakes cargo only								
1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21	22	23	24	25	26	27	1,2,3,4,5,6,7,8,9,10,16,17,18,19,20,21	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46
1442	Altro Coal Company (Tom Denton)	Altro Coal Co.	No. 4 Rider	3	Altro, Ky.	L&N	100	O	N	M	K	H	K	F	M	G	D	E	F	H	G	O	A	L	J	
2751	Amherst Coal Company	Amherst No. 3-A	Eagle	5	Accoville, W. Va.	O&O	150	Q	L	K	G	E	G	E	O	C	O	C	O	C	O	C	O	C	O	
2279	Baker, Sherman	Wilson	Straight Creek	6	Pineville, Ky.	L&N	111	Q	L	K	G	E	G	E	O	C	O	C	O	C	O	C	O	C	O	
3000	Beck Mountain Coal Co (T. M. Stratton)	Beck Mt. Coal Co.	Winfred	8	Huddy, Ky.	N&W	130	J	J	G	F	G	D	D	J	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)		
2323	Boone, G. R.	Boone Coal Co.	Lower Banner	7	Trammel, Va.	O&O	50	M	M	K	J	G	E	O	D	G	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)		
1892	Bradford Coal Company	Bradford	Wind Rock	9	Elizah, Tenn.	Tenn.	71	F	F	B	O	D	D	D	D	G	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)		
3264	Brown, A. E. (Jellico Blue Gem Coal Company)	Jellico Blue Gem	Rox	6	Elk Valley, Tenn.	Sou.	112	O	F	H	G	E	G	E	O	C	O	C	O	C	O	C	O	C		
2306	Brunfield, J. M.	Brunfield	Blair	7	Norton, Va.	L&N and N&W	205	F	F	B	O	D	D	D	D	G	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)		
98	Central Elkhorn Coal Co., The	No. 4	Elkhorn No. 1	1	Garrett, Ky. <sup>1</sup>	O&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)		
240	Combs, W. H.	Combs	Lower Elk	1	Elkhorn City, Ky.	O&O and O&O	63	K	K	H	G	E	O	D	D	G	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)		
2462	Conley, Leonard	Conley	No. 7	6	Rush, Ky.	O&O	61	M	M	K	J	G	E	O	D	D	G	(t)	(t)	(t)	(t)	(t)	(t)	(t)		
2516	Davis, Jellico Coal Co. (Jennie Davis)	Davis Jellico #2	Blue Gem	6	Yaden, Ky.	L&N	111	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
483	D. O. Coal Company (Oscar Castle)	Holly	No. 7	1	Paintsville, Ky.	O&O	61	M	M	K	J	G	E	O	D	G	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)		
824	Diamond Coal Mining Company, The	Diamond No. 7	Lower Pioneer	6	Diamond, Tenn. <sup>2</sup>	Sou.	180	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)		
235	Douglas & Parrott (Hugh Parrott)	Douglas & Parrott	Jellico	6	Rockhold, Ky.	L&N	111	O	O	J	H	G	E	O	D	G	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)		
227	Frazier, Van B.	Van B. Frazier	Hazard No. 4	3	Hot Spot, Ky.	L&N	100	M	M	K	J	G	E	O	D	G	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)		
248	Fugate & Ward Coal Co. (A. L. Fugate)	L. Fugate	Blair	7	Norton, Va.	L&N and N&W	205	O	O	H	G	E	O	D	G	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)		
237	George, R. O. (United States Fuel Co.)	Gang	Jellico	6	Rockwood, Tenn.	T. O.	72	O	O	H	G	E	O	D	G	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)		
992	Guy, Sherman; Ed. Sprath, Bob Hunley & John Parker (Sherman Guy)	Gang	Jellico	6	Habersham, Tenn.	L&N	140	E	E	D	C	O	E	B	O	G	(t)	(t)	(t)	(t)	(t)	(t)	(t)	(t)		
232	Helson, Estes	Estes Helton	Jellico	6	Woodbine, Ky.	L&N	111	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	
1010	Hensley, Shelby <sup>1</sup>	Hensley No. 2	Straight Creek	6	Pineville, Ky.	L&N	111	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
216	Hillman & Gilliam (Geo. L. Hillman)	Hillman & Gilliam #2	Blair	7	Norton, Va.	L&N and N&W	205	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
735	Jacks Creek Mining Co.	Adds	Elkhorn No. 3	1	Jacks Creek, Ky.	O&O	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
230	Jacks Creek Mining Co.	Smith	Elkhorn No. 3	1	Jacks Creek, Ky.	O&O	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
190	Jacks Creek Mining Co.	Superior	Elkhorn No. 3	1	Jacks Creek, Ky.	O&O	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
5190	Landrum, Mike	McCullum	Jellico	6	Huddell, Ky.	L&N	109	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
1900	McCullum, Sam & Loyd	McCullum	Horse Creek	6	Habersham, Tenn.	L&N	140	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	
2306	Manchuck, Sam & Loyd	Manchuck	Horse Creek	6	Manchester, Ky.	L&N	111	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
4006	Marum, Frank	Paw Paw	Horse Creek	6	Manchester, Ky.	L&N	111	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
2306	Miller, E. L.	Miller	Straight Creek	6	Phoville, Ky.	L&N	111	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	

<sup>1</sup> Shelby Hensley erroneously listed in District A-1165 as Mine Index No. 4006.  
<sup>2</sup> Denotes new shipping point. Shipping Point at Lenoir, Ky., shall no longer be applicable.  
<sup>3</sup> Denotes new shipping point and freight origin group. Shipping point at Carryville, Tenn., on the Southern Railway in Freight Origin Group 40 shall no longer be applicable.

\* Indicates previously classified these size groups.  
† Indicates no classification effective for these size groups.

## § 328.11 Alphabetical list of code members—Supplement R-I—Continued

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																					
								For destinations other than Great Lakes										For Great Lakes cargo only											
								1	2	3	4	5	6	7	8	9	10	11, 12, 13, 14	15, 16, 17, 18	19, 20, 21	22	23	24	25	26	27	28	29	30
2230	Morehead, George O.	Morehead	Jellico	6	Flat Lick, Ky.	L&N	111																						
2103	Myers, Geo. T.	Geo. T. Myers	No. 3	6	Helenwood, Tenn.	Sou.	70																						
1593	New Green Briar Coal Co. (Don Hinkie)	New Green Briar Coal Co.	Iroquo Creek	6	Manchester, Ky.	L&N	111																						
6170	Parsons, H. L., Trustee for Wave H. Brook	P. & B.	Bingham	6	Flat Lick, Ky.	L&N	111																						
2241	Pinson, Mass.	Pinson	Lower Elk-horn	1	Elkhorn City, Ky.	C&O and O&O	63																						
2270	Porter, Henry (Porter Elkhorn Mining Company)	Porter	Elkhorn No. 1	1	Salsbury, Ky.	O&O	61																						
338	Raymond City Coal & Transportation Corporation	Monarch	Cedar Grove	4	Monarch, W. Va.	NYO	127																						
2246	Reitzel Coal Corporation (W. M. Fryer)	Red Jacket No. 9	Powellton	5	Coal Mountain, W. Va.	Vtk.	220																						
2601	Red Coal Company (R. M. Red)	No. 1	Dial	7	Norton, Va.	L&N and N&W	205																						
2622	Red Coal Company (R. M. Red)	No. 2	Kelly	7	Norton, Va.	L&N and N&W	205																						
2775	Rock Creek Mining Company	Rock Creek	Cedar Grove	4	Rock Creek, W. Va.	C&O	123																						
2251	Shauze, Robert	Robert Shauze	Jackson	3	Jackson, Ky.	L&N	100																						
553	Siler, Marshall	Siler Blue Gem	Blue Gem	6	Jellico, Tenn.	L&N and Sou.	113																						
2243	Smith Brothers Coal Co. (P. E. Smith)	O. P. Smith	No. 7	1	Kilgore, Ky.	C&O	61																						
1370	Snyder, Fred	Fred Snyder	Harard No. 4	3	Leithair, Ky.	L&N	100																						
6103	Strong, Ed.	Ed. Strong	Cannel	3	Whick, Ky.	L&N	100																						
1317	Vires, H. O. (Jackson Coal Co.)	Jackson Coal Co.	No. 4	3	Jackson, Ky.	L&N	100																						

\* Sliding not yet in operation.

\* Denotes new shipping point, railroad and Freight Origin Group. Shipping point at Esserville, Va., on the Interstate Railroad to Freight Origin Group 200 shall no longer be applicable.

\* See canal coal prices.

\* Indicates previously classified these size groups.

\* Indicates no classification effective for these size groups.

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T-1—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg	Lump 2" and under, egg	Lump 3" and under, egg	Lump 3 1/2" and under, egg	Lump 4" and under, egg	Stove 2" and under, egg	Stove 2 1/2" and under, egg	3 1/2" and under, slack
SUBDISTRICT NO. 5—LOGAN LOGAN COUNTY, W. VA. Amherst Coal Company.....	Amherst No. 3-A	5271	Eagle.....	245	235	230	215	205	205	220	170
Red Jacket Coal Corporation c/o W. M. Fryer.....	Red Jacket No. 9	5246	Powollon.....	245	225	235	215	210	210	225	185
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN BELL COUNTY, KY. Baker, Sherman.....	Wilson.....	5229	Straight Creek.....	205	275	225	245	215	215	215	100
JACKSON COUNTY, KY. Duff, E. J.....	Bridge Rock Coal Co.	5299	Sand Gap.....	265	245	220	205	205	210	215	150
KNOX COUNTY, KY. Helton, Estes.....	Estes Helton Morehead, George O.....	5232	Jolico.....	255	235	225	225	205	205	215	155
Parsons, H. L., Trustee for Wave H. Brook.....	Morehead P. & B.....	5230	Jolico.....	255	235	225	225	205	205	215	155
LAUREL COUNTY, KY. Nicholson, E. R.....	Rocky Branch.....	5212	Pittsburg.....	265	245	220	205	205	210	215	150
PULASKI COUNTY, KY. Farmer, A. O.....	Farmer.....	5238	.....	265	245	220	205	205	210	215	150
ROCKCASTLE COUNTY, KY. Holsing, Joe.....	Henderson.....	5213	Horse Creek.....	265	245	220	205	205	210	215	150
WHITLEY COUNTY, KY. Davis Jolico Coal Co. (Jennie Davis) Morehead, George O.....	Davis Jolico No. 2.....	5236	Blue Gum.....	335	315	235	200	225	225	225	145
Douglas & Parrott (Hugh Parrott).....	Douglas & Parrott.....	5235	Jolico.....	255	235	225	205	205	215	215	150
ROANE COUNTY, TENN. George, R. O. (United States Fuel Co.).....	U. S. No. 1.....	5237	.....	255	235	225	205	205	215	215	140
SUBDISTRICT NO. 7—VIRGINIA DICKENSON COUNTY, VA. Boone, G. R.....	Beone Coal Co. No. 1.....	5233	Lower Banner.....	255	245	220	215	210	215	210	155
WISE COUNTY, VA. Fugate & Ward Coal Co. (A. L. Fugate), Hillman & Gilliam (Geo. L. Hill- man).....	Hillman & Gill- iam No. 2.....	5245	Blair.....	255	245	220	215	210	215	210	155
		5246	Blair.....	255	245	220	215	210	215	210	155

§ 328.21 Alphabetical list of code members—Supplement R-II

Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown

Mine No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Shipping point	Railroad	Freight origin	Price classifications by size group No.									
								1	2	3	4	5	6	7	8	9	10
1451	Amluk, Tookes....	Amluk No. 2..	9	Sowell..	Quinwood, W. Va.	C&O and N.Y.O.	231										

FOR TRUCK SHIPMENTS

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T-1

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg	Lump 2" and under, egg	Lump 3" and under, egg	Lump 3 1/2" and under, egg	Lump 4" and under, egg	Stove 2" and under, egg	Stove 2 1/2" and under, egg	3 1/2" and under, slack
SUBDISTRICT NO. 1—BIG SANDY- ELKHORN HOYD COUNTY, KY. Phillips, Lon.....	Fannin.....	5231	No. 7.....	265	245	210	220	205	200	150	145
Williams, Clyde.....	Williams.....	5228	No. 6.....	265	245	210	220	205	200	150	145
CANTON COUNTY, KY. Conley, Leonard.....	Conley.....	5242	No. 7.....	265	245	210	220	205	200	150	145
Smith Brothers Coal Co. (P. E. Smith).....	O. P. Smith.....	5243	No. 7.....	265	245	210	220	205	200	150	145
FLOYD COUNTY, KY. Porter, Henry (Porter Elkhorn Coal Company).....	Elkhorn No. 1.....	5270	Elkhorn No. 1.....	285	265	225	230	215	215	170	165
JOHNSON COUNTY, KY. D. O. Coal Company (Oscar Castle). Rice, Henry.....	Holly.....	5183	No. 7.....	265	245	210	220	205	200	150	145
Spradlin, George B.....	Rice.....	5205	Millers Creek.....	305	285	235	240	215	225	170	165
MAGOFFIN COUNTY, KY. Adams, James.....	Adams.....	5249	No. 7.....	265	245	210	220	205	200	150	145
Howard, Dyrd.....	Howard.....	5206	No. 7.....	265	245	210	220	205	200	150	145
PIKE COUNTY, KY. Combs, W. H.....	Combs.....	5240	Lower Elkhorn.....	275	255	220	230	215	210	170	165
Pinson, Mesa.....	Pinson.....	5241	Lower Elkhorn.....	275	255	220	230	215	210	170	165
SUBDISTRICT NO. 3—HAZARD DECATUR COUNTY, KY. Altro Coal Company (Tom Deaton). Landrum, Mike.....	Altro Coal Co.....	5142	No. 4 Rider.....	255	245	210	205	190	200	145	140
Shous, Robert.....	Mike Landrum.....	5190	Jackson.....	265	245	210	205	190	200	145	140
Robert Shous.....	Robert Shous.....	5251	Jackson.....	265	245	210	205	190	200	145	140
LITCHER COUNTY, KY. Fraser, Van B.....	Van B. Fraser.....	5227	Hazard No. 4.....	265	245	220	205	210	215	155	150
TOONE COUNTY, W. VA. Rock Creek Mining Company.....	Rock Creek.....	2773	Cedar Grove.....	245	225	(*)	215	195	(*)	155	150

\*Indicates previously classified these size groups.

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T-I—Continued

Code member index	Mine	Mine index No.	Seam	Lump over 6"	Forked	Chips	Out-tings
SURDISTRICT NO. 3—HAZARD BREATHITT COUNTY, KY. Strong, Ed.	Ed. Strong	5103	Canal	\$3.50	\$3.00	\$2.50	\$1.00

FOR TRUCK SHIPMENTS

§ 328.42 General prices for low volatile coals—Supplement T-II

Code member index	Mine	Mine index No.	Seam	All lump	Best larger than 4"	Stove 4" top	Nut or less 1 1/2"	Screened M/R	Straight M/R	3/4" screenings	1/2" screenings
SURDISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
BUCHANAN COUNTY, VA. Davis, J. M.	Davis	5, 232	Red Ash	305	305	300	250	280	215	165	150
RUSSELL COUNTY, VA. Williams, T. F.	Williams	5, 250	Red Ash	305	305	300	250	280	215	165	150
FAZEWELL COUNTY, VA. Mill Branch Coal Company (J. H. Bird)	Webb & Bird No. 2	5, 250	Red Ash	305	305	300	250	280	215	165	150

[F. R. Doc. 42-1236; Filed, February 12, 1942; 11:05 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 General prices in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																	
SECTION NO. 4 FULTON COUNTY				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Danner Brothers (Irvin Danner) Mousley Construction Co. (Luella McKim)	1540 1539	Danner Brothers Mousley	2 5	255	250	245	235	230	225	185	165	160	155	155	155	155	155	155	155	155	155
SECTION NO. 5 SCHUYLER COUNTY				255	250	245	235	230	225	170	165	160	155	155	155	155	155	155	155	155	155
SECTION NO. 6 HILLARY COUNTY				250	245	235	230	225	220	240	165	160	155	155	155	155	155	155	155	155	155
Critt & Kingston (James Critt)	1547	Critt & Kingston	7	250	245	235	230	225	220	240	165	160	155	155	155	155	155	155	155	155	155

[F. R. Doc. 42-1270; Filed, February 12, 1942; 11:02 a. m.]

necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, \$330.25 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 23, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.



[Docket No. A-1279]

PART 331—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1295 IN DISTRICT NO. 11, FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Mine Index No. 1295 in District No. 11, for all shipments except truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered*, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

*It is further ordered*, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered*, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 2, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[Docket No. A-1280]

PART 331—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered*, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

*It is further ordered*, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered*, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 2, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Name of code member	Mine	Seam	Sub-district	Freight origin group	Price group	Railroad	Shipping point
1295	Sink, Ben H. (Sink Coal Company).	Sink No. 5...	V	LS	61	9	OMStP&P...	Latta, Ind.

<sup>1</sup> Mine Index No. 1295 shall be included in Price Group 9 and shall take the same f. o. b. mine prices as other mines in Price Group 9 in Price Schedule No. 1, District No. 11, for All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 61 of the Linton-Sullivan Subdistrict having the same freight rate.

Mine Index No. 1295 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule, District No. 11, for All Shipments Except Truck as are shown for Mine Index Nos. 19, 20, 40, 46, 52, 60, 65, 71, 72, 101, 205, 360, 378, and 1279.

[F. R. Doc. 42-1280; Filed, February 12, 1942; 11:02 a. m.]

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

## FOR TRUCK SHIPMENTS

## § 331.24 General prices in cents per net ton for shipment into all market areas—Supplement I

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																																	
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28	29	30	31	32	33	34				
GREENE COUNTY Sink, Ben II. (Sink Coal Company) Usrey, Evan I.	1205	Sink No. 5	5																																		
	1206	Usrey	4																																		
SULLIVAN COUNTY Gall Coal Mine, Steve (Steve Gall)	1207	Gall	0																																		

[F. R. Doc. 42-1270; Filed, February 12, 1942; 11:02 a. m.]

[Docket No. A-1285]

PART 333—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF THE SIXTH COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 13, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF ITS AMERICA NO. 5 MINE (MINE INDEX NO. 1453)

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the American No. 5 Mine (Mine Index No. 1453) of the Sixth Coal Company, a code member in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed

necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (General prices) is amended by adding thereto Supplement R-I, § 333.7 (Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads) is amended by adding thereto Supplement R-II, § 333.7 (Special prices—(c) Prices for shipment by railroads, applicable to all coal sold for steamship vessel fuel) is amended by adding thereto Supplement R-III, and § 333.34 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement I, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in

Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty

(60) days from the date of this Order, unless it shall otherwise be ordered.  
Dated: January 28, 1942.  
[SEAL] DAN H. WHEELER,  
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13  
NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 333.6 General prices—Supplement R-I

Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
1453	Sixth Coal Company	WALKER COUNTY, ALA.	America No. 5	1	America
					150

Shipping Point: Leesport, Ala. Railroad: Southern.

This mine shall have the same prices in size groups 1, 2, 6 and 24, on all price tables as listed for mines with Index Numbers 55, 56, 57 and 70.

This mine shall have a price in size group 7 on all price tables, 104 under the price listed in size group 6 for mines with Index Numbers 55, 56, 57 and 70.

This mine shall have a price in size group 13 on all price tables, 204 under the price listed in size group 12 for mines with Index Numbers 55, 56, 57 and 70.

This mine shall have a price in size group 18 on all price tables, 104 under the price listed for mines with Index Numbers 55, 56, 57 and 70.

This mine shall have a price in size group 23 on all price tables, 204 under the price listed in size group 18 for mines with Index Numbers 55, 56, 57 and 70.



## TITLE 32—NATIONAL DEFENSE

## CHAPTER IX—WAR PRODUCTION BOARD

## SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

## PART 958—MAINTENANCE, REPAIRS AND OPERATING SUPPLIES

*Interpretation No. 1 of Preference Rating Order No. P-100*

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 958.2, (*Preference Rating Order P-100*)<sup>1</sup> as amended from time to time.

Paragraph (f) (1) of Preference Rating Order P-100 forbids application of the rating to obtain scarce material, the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material or by change of design. Therefore, Governmental Units and other Producers engaged in repairing, maintaining or operating roads and highways may not apply the rating to obtain such items as metal culverts, metal road signs, metal rope or cable, metal guard rails, or metal reinforcing bars, since terra cotta, cement or wooden substitutes can be used for all these purposes, or their use can be entirely eliminated. The preference rating assigned by Preference Rating Order No. P-100 can in no circumstances be applied to deliveries of burlap or rubber for use in highway maintenance, repair or operation. P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong. 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Dated this 13th day of February 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-1318; Filed, February 13, 1942; 11:47 a. m.]

## PART 1103—COAL AND COKE

*General Inventory Order No. M-97 To Permit Accumulations of Inventories of Coal and Coke*

It is hereby ordered, That:

§ 1103.1 *General Inventory Order M-97*—(a) *Revocation of inventory restrictions as to coal and coke.* Notwithstanding the provisions of any Regulation or Order heretofore issued by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations of the War Production Board, any person may make deliveries of anthracite or bituminous coal or coke, and any person may accept deliveries thereof, although the inventory of coal or coke in the hands of the person accepting such delivery is, or will by virtue of such acceptance become, in excess of a practicable working minimum.

(b) *Applicability of Priorities Regulation No. 1.* Except to the extent that

<sup>1</sup> 6 F.R. 6548.

the provisions of paragraph (a) are inconsistent therewith, all transactions involving coal and coke shall be subject to the provisions of Priorities Regulation No. 1 as amended from time to time.

(c) *Effective date.* This Order shall take effect at once and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, January 26, 1942, 7 F.R. 561, E.O. 9024, January 16, 1942, 7 F.R. 329; E.O. 9040, January 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 13th day of February 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-1317; Filed, February 13, 1942; 11:47 a. m.]

## CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

## PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

*Amendment No. 6 to Supplementary Order No. M-15-c<sup>1</sup> to Restrict Transactions in New Rubber Tires, Casings and Tubes*

Section 940.4 (c) is hereby amended by adding thereto the following subparagraph (12):

§ 940.4 *Supplementary Order M-15-c.*

(c) *Prohibition on deliveries of new rubber tires, casings and tubes except to persons possessing certificates.*

(12) Anything in this paragraph (c) to the contrary notwithstanding, the Office of Price Administration may issue to any person owning, operating or controlling a recapping or retreading mold a certificate specified in paragraph (e) of this section subject to such restrictions as may be prescribed by the Office of Price Administration.

This amendment No. 6 shall become effective February 13, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-1307; Filed, February 12, 1942; 4:54 p. m.]

## PART 1306—IRON AND STEEL

## AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 41—STEEL CASTINGS

*Correction*

The item Schedule "E" which appears under the table headed "(2) Furnished in high tensile steel" should appear under Schedule "D" of the table headed "(1) Furnished in grade 'B' Steel" appearing on page 755 of the issue for Thursday, February 5, 1942.

<sup>1</sup> 6 F.R. 6792; 7 F.R. 121, 350, 435, 473.

## PART 1312—LUMBER AND LUMBER PRODUCTS

## PRICE SCHEDULE NO. 94—WESTERN PINE LUMBER

*Corrections*

The third item under "*Drainboard Stock*" on page 762 of the issue for Thursday, February 5, 1942, should read "22" and wider SW RL."

On page 763, under the first table headed "*Common Boards*", the item "No. 4 & 5 RL, Common, RW & may contain 20% 4' to 8' and 20% 4'" should read "No. 4 & 5 RL, Common, RW & RL may contain 20% 4' to 8' and 20% 4'."

## PART 1351—FOODS AND FOOD PRODUCTS

## AMENDMENT NO. 2—PRICE SCHEDULE NO. 53—FATS AND OILS

*Correction*

On page 756 of the issue for Thursday, February 5, 1942, "11 per cent" should read "111 per cent" in § 1351.151 (b) (5).

## PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

*Corrections*

In Price Schedule No. 85—New Passenger Automobiles, on page 666 of the issue for Tuesday, February 3, 1942, the word "*Oldsmobile*" should be centered in the second column in small cap roman type. The word "Nash" at the top of the third column should read "Oldsmobile—continued."

In § 1360.102 of Rationing Order No. 2, *New Passenger Automobiles*, on page 667, "February 26, 1941" should read "February 26, 1942."

In the seventh line of § 1360.114 (e) (4) of the New Passenger Automobile Rationing Regulations, on page 670, the word "of" should read "for."

## PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

## PRICE SCHEDULE NO. 86—DOMESTIC WASHING MACHINES AND IRONING MACHINES

*Corrections*

"Manufacturers" should read "Manufacturers" in the first sentence of the first paragraph on page 672 of the issue for Tuesday, February 3, 1942.

The word "continuing" should read "containing" in the eleventh line of § 1380.3 (b) (1) on page 673.

## TITLE 47—TELECOMMUNICATION

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

## PART 3—STANDARD BROADCAST STATIONS

## STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS (550-1,600 KILOCYCLES)

*Correction*

Attention is directed to the following errors which appeared in the Saturday,

February 7, 1942, issue of the FEDERAL REGISTER:

Page 827 Greenville, N. C. (E) SS November "6:15" should read "6:00".

Page 829 Peoria, Ill. (C) should read "Peoria, Ill. (C)".

Page 829 Pittsburgh, Kans. (C) SS October "6:35" should read "6:45".

Page 830 Wichita, Kans. (C) should read "Wichita, Kans. (C)".

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-1308; Filed, February 13, 1942;  
10:36 a. m.]

## Notices

### TREASURY DEPARTMENT.

Bureau of Internal Revenue, Alcohol  
Tax Unit.

NOTICE OF HEARING WITH REFERENCE TO  
PROPOSED AMENDMENT OF REGULATIONS  
NO. 5, RELATING TO LABELING AND AD-  
VERTISING OF DISTILLED SPIRITS

FEBRUARY 12, 1942.

Pursuant to the provisions of Section 5 of the Federal Alcohol Administration Act as amended:

Notice is hereby given of a public hearing to be held on Tuesday, February 24, 1942, at 10:00 A. M., in Room 3601 of the Internal Revenue Building, 10th and Pennsylvania Avenue, Washington, D. C., for the purpose of taking evidence with reference to the following proposed amendment to Regulations No. 5 (27 CFR, Part 5), Relating to Labeling and Advertising of Distilled Spirits:

To amend section 21, Class 1, of said regulations (27 CFR 5.21 (a)) in such manner as to modify the standard of identity for "neutral spirits" so as to include certain spirits distilled at less than 190° proof. In view of the potential shortage of neutral spirits for beverage use during the existing emergency, it is the Bureau's purpose to consider whether whiskey, brandy or other spirits now in storage, which were distilled at relatively high proof, as well as spirits hereafter distilled at less than 190° proof, can, by treatment with activated carbon or by other methods, be made sufficiently neutral to be classed as "neutral spirits" for beverage use, and if so, the desirability of such an amendment.

[SEAL]

STEWART BERKSHIRE,  
Deputy Commissioner.

[F. R. Doc. 42-1330; Filed, February 13, 1942;  
11:55 a. m.]

Fiscal Service, Bureau of the Public  
Debt.

[1942 Dept. Circ. No. 681]

2¼ PERCENT TREASURY BONDS OF 1952-55—DATED AND BEARING INTEREST FROM FEBRUARY 25, 1942; DUE JUNE 15, 1955; REDEEMABLE AT THE OPTION OF THE UNITED STATES AT PAR AND ACCRUED INTEREST ON AND AFTER JUNE 15, 1952; INTEREST PAYABLE JUNE 15 AND DECEMBER 15

FEBRUARY 13, 1942.

#### I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for 2¼ percent bonds of the United States, designated Treasury Bonds of 1952-55. The amount of the offering is \$1,500,000,000, or thereabouts.

#### II. DESCRIPTION OF BONDS

1. The bonds will be dated February 25, 1942, and will bear interest from that date at the rate of 2¼ percent per annum, payable on a semiannual basis on June 15 and December 15 in each year until the principal amount becomes payable. They will mature June 15, 1955, but may be redeemed at the option of the United States on and after June 15, 1952, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$50, \$100, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. Provisions will be made for the interchange of bonds of different denominations and of coupons and registered bonds, and for

the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

#### III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing of the subscription books. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for. Subscriptions will be entertained from the various classes of subscribers on the following bases:

(1) Banks and trust companies for their own account—not to exceed 50 percent of capital and surplus.

(2) Mutual savings and cooperative banks, Federal Savings and Loan Associations, trust accounts and investment corporations, pension funds, insurance companies, and similar institutions and funds—not to exceed ten percent of total resources.

(3) Corporations organized for profit, and dealers and brokers—not to exceed 50 percent of net worth.

(4) Individuals—not to exceed 50 percent of net worth or 100 percent of cash deposited with subscription. (Note: No preferred allotment will be made on such full-paid subscriptions.)

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subscriptions for amounts up to and including \$5,000 where the subscribers specify that delivery be made in registered bonds 90 days after the issue date will be given preferred allotment. In each such case a subscriber may not enter any other subscription, and payment must be made as provided in Section IV of this circular. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.



## IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made or completed on or before February 25, 1942, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depository will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

## V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,  
Secretary of the Treasury.

[F. R. Doc. 42-1331; Filed, February 13, 1942;  
11:56 a. m.]

## DEPARTMENT OF THE INTERIOR.

## Bituminous Coal Division.

[Docket No. B-195]

IN THE MATTER OF FRANK GERARD AND HESTON RUMPLE, INDIVIDUALLY AND AS CO-PARTNERS DOING BUSINESS UNDER THE NAME AND STYLE OF GERARD AND RUMPLE, CODE MEMBER, DEFENDANT

## NOTICE OF AND ORDER FOR HEARING

A complaint dated January 29, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 2, 1942, by Bituminous Coal Producers Board for District No. 11, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 27, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirma-

tions, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendants, whose addresses are R. F. D. No. 2, Dana, Indiana, and whose code membership became effective as of December 20, 1939, during the period October 7, 1940, to February 28, 1941, both dates inclusive, sold (a) approximately 167.65 net tons of mine run coal at \$2.00 per net ton f. o. b. the mine (b) approximately 54.45 net tons of 1¼" x 0 screenings at \$1.00 per net ton f. o. b. the mine, and (c) approximately 2.10 net tons of 1¼" x ¾" coal at \$1.25 per net ton f. o. b. the mine, all of which coal was produced by defendants at their Gerard Mine, Mine Index No. 904, located in Vermillion County, Indiana, in District No. 11, whereas said coal is classified and priced in the Schedule of Effective Minimum Prices for District No. 11, For Truck Shipments, as follows: (a) mine run coal classified as Size Group

No. 7 and priced at \$2.15 per net ton f. o. b. said mine; (b) 1¼" x 0 screenings classified as Size Group No. 14 and priced at \$1.45 per net ton f. o. b. said mine; and (c) 1¼" x ¾" coal classified as Size Group No. 10 and priced at \$1.85 per net ton f. o. b. said mine.

Notice is also given, That upon determination that the defendants have committed any one or more of the violations as alleged in the complaint, an order may be entered either revoking the code membership of the defendants, or directing the defendants to cease and desist from violating the Code and regulations made thereunder.

Dated: February 12, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-1303; Filed, February 13, 1942;  
11:12 a. m.]

## General Land Office.

## WITHDRAWAL OF LAND CONTAINING CERTAIN HOT SPRINGS IN ALASKA REVOKED

It appearing that the only hot springs within the area are situated on that portion which passed out of public ownership under rights of prior inception, the departmental order of February 13, 1907, withdrawing a 183.71-acre area on Hot Springs Bay, Baranof Island, Alaska, now within the Tongass National Forest, is hereby revoked.

HAROLD L. ICKES,  
Secretary of the Interior.

JANUARY 30, 1942.

[F. R. Doc. 42-1314; Filed, February 13, 1942;  
11:40 a. m.]

AIR NAVIGATION SITE WITHDRAWAL NO. 175 AND MODIFICATION OF GRAZING DISTRICTS NOS. 1 AND 5<sup>1</sup>

## IDAHO

It is ordered, Under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729; 49 U.S.C. 214, that the following-described tracts of public land in Idaho be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, and that permission is hereby granted the Department of Commerce to establish beacon lights on and use the lands in the maintenance of air navigation facilities:

## BOISE MERIDIAN

T. 4 S., R. 9 E.,  
Sec. 34, NW¼SW¼SW¼;  
T. 7 S., R. 17 E.,  
Sec. 23, NE¼NW¼SE¼;  
aggregating 20 acres.

And, so far as they affect the above-described lands, the departmental orders of April 8, 1935, and December 4, 1940, creating Idaho Grazing Districts Nos. 1 and 5, respectively, are hereby modified and made subject to the withdrawal effected by this order.

HAROLD L. ICKES,  
Secretary of the Interior.

JANUARY 30, 1942.

[F. R. Doc. 42-1315; Filed, February 13, 1942;  
11:41 a. m.]

<sup>1</sup> Affects tabulation in 43 CFR 502.1e.

